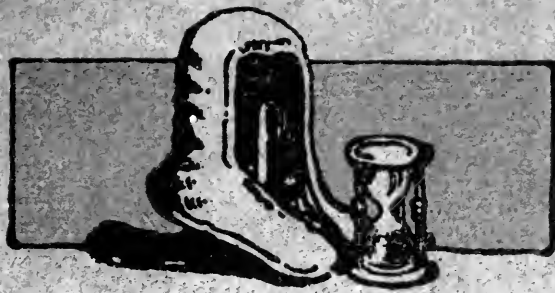
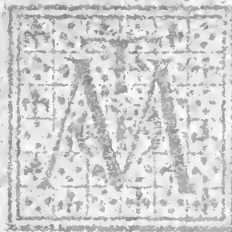


# The Old Cape House



By Ralph Kilpin.





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# THE OLD CAPE HOUSE

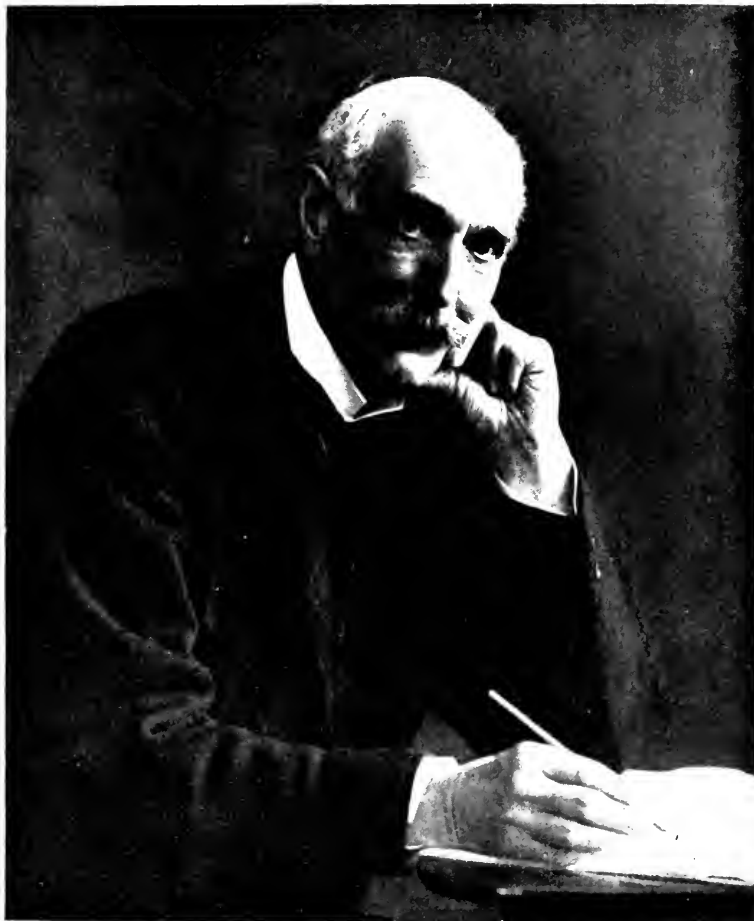
*"First, an' it like you, the  
house is a respected house."*

*"Measure for Measure"  
Act II. : Scene I.*



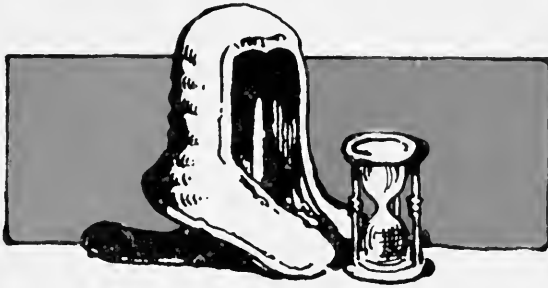
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RT. HON. J. X. MERRIMAN, P.C., LL.D. (b. 1841)  
Member of the old Cape House from 1869 to 1910. He  
served in five out of the twelve Cape Ministries and was  
Prime Minister at the date of Union.

From a photograph by E. Peters ("Hood's Studio") Cape Town.



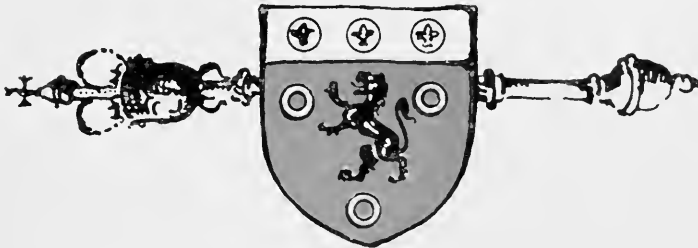
# The Old Cape House

Being pages from the  
History of a Legislative  
Assembly. ❧ ❧ ❧ ❧

By Ralph Kilpin,

Second Clerk-Assistant of the  
Union House of Assembly.

with a foreword by  
The Rt. Hon. J. X. Merriman, P.C., LL.D., M.L.A.



CAPE TOWN: T. MASKEW MILLER



TO THE MEMORY OF  
*The*  
FOUNDERS OF THE  
OLD CAPE HOUSE  
THIS BOOK IS DEDICATED.





# FOREWORD.

BY THE RT. HON. J. X. MERRIMAN,

P.C., LL.D., M.L.A.

AS one who has for fifty years occupied a seat as a Member, first of the Parliament of the Cape of Good Hope, and then of the Parliament of the Union of South Africa, I hail with pleasure Mr. Kilpin's attempt to give a connected sketch of the history of the body that was the founder of all legislative traditions in South Africa.

Parliamentary history began in 1854 at, or shortly after, the time when the wisdom of Lord Elgin and of the Whig statesmen of Early Victorian days hit upon the most successful experiment in the government of dependencies, by entrusting to the people the management of their own affairs, the disposal of their own Crown lands and the responsibility for their own financial vagaries.

In the Cape of Good Hope for the first period these gifts were circumscribed by an Executive appointed by and responsible to the mother country. This regime lasted from 1854 to 1872. It was a period of profound peace and of great educational value.

Speaking generally, the representative assembly was hostile to, and jealous of, the appointed Executive. In consequence there was a far more rigid scrutiny of the finances and a greater reluctance to incur loans than has been manifested under the boon of party government, when power and place depend upon placating the electorate. But whether this is *post hoc* or *propter hoc* it is not for me to say.

In 1872 the full benefits of cabinet, with party, government was granted. In judging of the results three points may be noted: Great Britain was slowly emerging from the cold fit, when eminent statesmen could talk of "those horrid colonies"; the era of Lord Carnarvon's federation proposals which led up to the annexation of the Transvaal; the appointment of Sir Bartle Frere—that unflinching advocate of a forward policy both in territorial extension and in native affairs—which paved the way not only for the era of native wars which lasted till 1883, but for the genesis of anti-British feeling of which perhaps the end is not yet in sight. The cold fit in Great Britain has been succeeded, with a brief interval of lower temperature, during the term of office of Lord Derby, to which we owe the presence of Germany on our borders, by the flamboyant imperialism of Mr. Joseph Chamberlain and the succession of dire events which were moderated, but not terminated, by the odyssey of that distinguished pilgrim to the illimitable veld.

In 1872, or thereabouts, the British moneylender discovered the colonies and began to oblige them with capital on easy terms, which created a more or less fictitious prosperity and shed a lustre over the period, while it has piled up burdens for which a grateful posterity will no doubt rise up and call them blessed.

In 1872 the noble and distinguished order of St. Michael and St. George burgeoned forth for the gratification of colonial statesmen and those whom they delight to honour, until the dominions are adorned with a twinkling splendour and one star calleth another to promote the true imperial feeling.

In all these movements the Cape Parliament has borne a not undistinguished part, verifying the predictions of that astute statesman, Lord Elgin. Synchronising as it did with the discovery of the Diamond Fields, the new Government in the Cape, under the prudent guidance of Mr. Molteno, felt itself justified in entering on a large project of railway communication, which has been continued and expanded until the line which in 1872 had its terminus at Wellington, some fifty miles from Table Mountain, has reached the Congo and ramified over the whole sub-continent, making possible the vast expansion of enterprise and trade which have made South Africa the treasure house of the world. Some day tardy justice will be done to the first Premier under responsible government in South Africa, who, by the confidence

that he inspired, both in the commercial classes and the conservative land-holders, enabled the first not inconsiderable steps to be taken in railway construction, and, by so doing, laid the substantial foundation of the successful enterprise that adds so much to our prosperity.

Possibly, however, the most distinguishing mark of the Cape Parliament in its second period was the appearance of Cecil Rhodes, and the opportunity that it gave him for putting into practice that discovery of the practical application of vast wealth to political ends, which for good or evil is destined in the hands of imitators to go far.

That great man always said that South Africa was the most interesting part of the British Dominions, and certainly he did his fair share in verifying the truth of his *obiter dictum*.

On the whole the Cape Parliament did not play an unworthy part. It was always decorous to the verge of dulness, and if, in its inordinate love for legislation, and its fondness for shuffling off awkward questions to the interminable investigation of commissions, it displayed a somewhat *laissez aller* indifference to its duties as a check upon administration, in these respects it was no worse than similar bodies elsewhere.

In the Cape, as in other Parliamentary countries, the Caucus, the Machine, the Press and the Platform came as rival forces, and, as their influence and power

waxed, those of Parliament waned. But it merged its existence in that of the Union before the lamentable example of the British Parliament had made it clear that some radical change is wanted if Parliaments in future are to retain their position in the minds and hearts of free peoples.

If one had to choose an epitaph for the Cape Parliament now merged in the Union splendour, perhaps it would not be inappropriate to write the hackneyed lines—

“Beneath the good how far,  
How far above the great.”

R.I.P.

*Tom Stammers*



## Introductory Note.

---

*The Old Cape House* is not offered to the public as a manual of procedure or as a political treatise. The desire of the writer having been rather to interest than to inform, it has been his endeavour to keep his reader and himself well in touch with the customary atmosphere of the House, without losing sight of its honourable traditions, or unnecessarily obtruding its official and technical elements.

In the form of articles *The Old Cape House* first appeared in *The Cape Argus* and *The Cape Times*, and by the kind permission of the Editors of those journals they are now reprinted with some additions which seemed to be called for, as well as with annexures containing facts and figures which may be useful to readers who take more than a passing interest in the Parliamentary history of this country.

Thanks are due to many friends, who have supplied information and illustrations; to members of Parliament for their encouragement—especially to the “Father of the House” who writes the Foreword; and to my father (who sat for thirty years at the Table) for permission to make use of his notebooks and his *Cape Civil Service List*.

R K

House of Assembly,  
Cape Town  
11th May, 1918.





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# **The Story of the Cape Constitution.**

**1795-1872.**







THE LEGISLATIVE COUNCIL CHAMBER IN THE OLD  
SUPREME COURT BUILDINGS.

The three upper windows facing into the courtyard belong to the "Record Room" in which the Legislative Councils held their meetings from 1834 until the "New" Houses of Parliament were completed in 1884.

Specialy drawn by Gordon Pilkington



# The Story of the Cape Constitution.

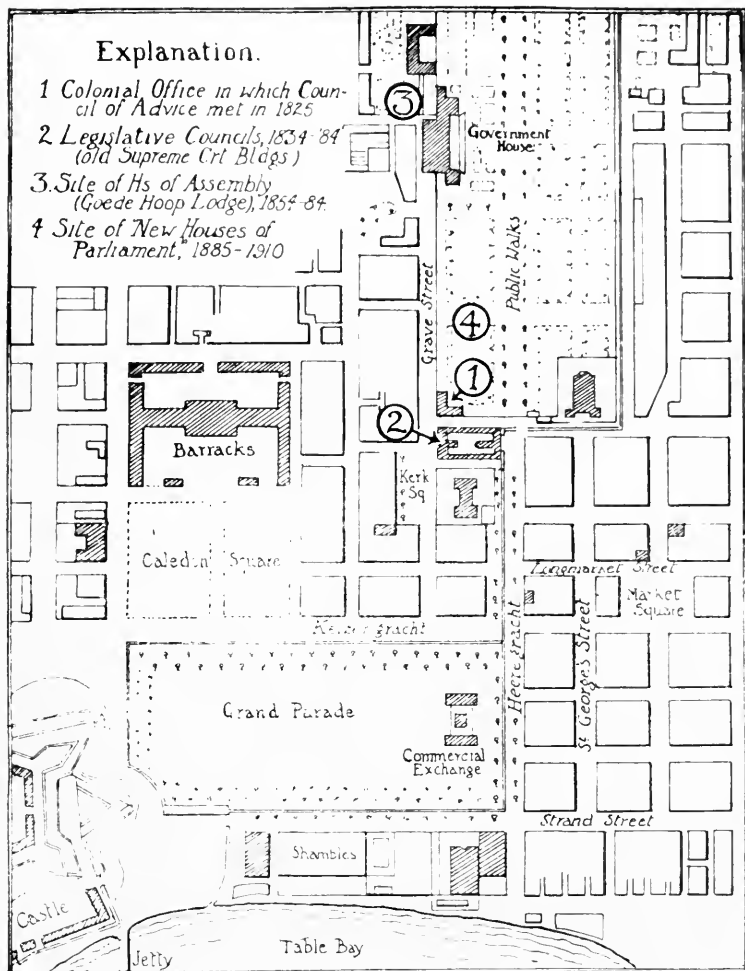
1795—1872.

SIR BENJAMIN D'URBAN, the new Governor, had been expected at the Cape for some days. On Thursday, the 16th of January, 1834, his ship—a handsome teak-built sailing vessel of 611 tons burthen, with “elegant accommodation” for passengers—was sighted, and Cape Town, ordinarily so calm, was soon bustling with excitement. Rustling skirts fluttered towards the jetty near the Castle, while gentlemen, wearing swallow-tails of blue, buff or brown, hurried to and fro in the shade of the Heeregracht, or Adderley Street, as it is now called, and by half-past one, when Sir Benjamin, his wife, his daughter and his suite drove up to Government House, troops had lined Grave Street and the Parade, and guns were booming a salute from the Castle.

Having been sworn in by the Chief Justice, Sir John Wylde, His Excellency was introduced to a large number of those present and his commission was read aloud. So far the proceedings had been more or less of a social character, but in days gone by the constitution was developed or confirmed by the instructions issued to the Governor, and with the reading of the commission it was soon realised that the dawn of a new era in the government of the Cape had begun.

Under the short period of British government from 1795 to 1803 the Governor alone had wielded all executive and legislative power, and this system had been restored in 1806 when Cape Town capitulated to General Baird. For a time things had gone fairly well and the inhabitants of the settlement had made no effective protest until Lord Charles Somerset, choleric and sometimes vindictive, had shown what a headstrong Governor in a wayward mood could do. Then, owing to the complaints of the British settlers, a commission of enquiry had been sent to investigate matters, and two years later (in 1825) a council of six official members had been established to "advise and assist in the administration of the Government." Bureaucracy, however, had given little more satisfaction than autocracy, and up to the time when Sir Benjamin's commission was read three well-supported movements had been made to obtain a form of government in which the people themselves might share.

The commission, after appointing Sir Benjamin Governor of the Cape and its dependencies, went on to provide that the settlement was henceforth to be administered by a Governor with a Legislative Council as well as with an Executive Council. This, at all events, was something achieved. The Legislative Council was to consist of the Governor, the officer next in command of the forces, the Secretary to the Government, the Treasurer-General, the Auditor-



PLAN OF PART OF CAPE TOWN IN 1833  
 —showing the sites of the various buildings occupied  
 from 1825 to 1910 by the Council of Advice, the  
 Legislative Councils and the House of Assembly.  
 Drawn from a plan in "The South African Almanac," 1853.



General and the Attorney-General, together with not fewer than five nor more than seven leading inhabitants, to be selected by the Governor.

“All men will view this as an important boon,” wrote John Fairbairn in the *Commercial Advertiser* two days later. “It may not come up to, or it may exceed, the expectations of some; but we repeat that it will yield satisfaction if for no other reason than it furnishes a pleasing and unerring proof . . . that the barrier which has hitherto stood between us and the exercise of the proudest privileges of British subjects is soon to be thrown down and that the Eye of the Community is about to be admitted into the hitherto darkened chamber of Cape legislation.”

The old “Council of Advice,” appointed in 1825, had totally excluded the “Eye of the Community.” None of its members were chosen to represent the people, and, with closed doors, it had met in the old “Colonial Office” buildings that used to stand in the north-east corner of Government House gardens, where, instructed by Lord Charles Somerset, it had been sworn to the strictest secrecy. The House of Commons itself had, and still has, semi-obsolete orders\* declaring it to be a gross breach of privilege to publish anything occurring in the House; but

\* These orders are now acknowledged to apply only to *mala fide* reports and although the public and the press may be excluded it was considered necessary in 1916 to provide for the prohibition of reports of secret sessions by means of an Order in Council under the Defence of the Realm Act, 1914.

these orders were drafted in the dark days, when conflicts between the Crown and the Commons often resulted in the sudden death of a member, and the idea then was to keep the proceedings from the ears of the King.

In the new Legislative Council, of which certain leading inhabitants were to form a part, the King's representative (Sir Benjamin D'Urban) was himself to preside, and it was hoped that the doors would be thrown open to the public and the Press. But when the Council first met on the 2nd of April, 1834, in the Old Supreme Court Buildings (the Slave Lodge of the Dutch East India Company!), its doors, too, were closed, and nothing more than the colourless "Votes and Proceedings" were made public. This, it is true, was in accordance with the practice in New South Wales and Van Diemen's Land, but it was a severe blow to the progressive section of the community of the Cape, and was the signal for a renewed effort to obtain a thoroughly representative assembly.

A meeting of citizens was held in the Commercial Hall (where the post office stands to-day) and at one o'clock on the 22nd of October, 1834, three gentlemen (Mr. Collison, Mr. Waters and Mr. Thompson) knocked at the door of the Council Chamber and craved admission in the name of the public. Within the Chamber the question was keenly discussed, and it was not until they had heard the clock in the public



EXTERIOR OF THE OLD SUPREME COURT BUILDINGS  
IN 1832, FROM THE FOOT OF GOVERNMENT AVENUE.

In these buildings (formerly the Slave Lodge of the Dutch East India Company) were the Supreme Court, the Government Offices and the Legislative Council Chamber, 1834-53 and 1854-84.

Pen-and-ink sketch from a lithographed drawing by H. C. de Meillon.





buildings strike four, that Mr. Collison and the two gentlemen who had accompanied him were informed of the result. On the Governor's recommendation new standing orders had been adopted, they were told, and in future each member of the Council would be entitled to admit one person to be present at its meetings, and each newspaper could send one reporter on the strict understanding that they were bound to withdraw on a motion made to that effect by any member.

Here was one grievance removed, and from that time onwards a full account of the debates was published in the *Commercial Advertiser*; but at this time the population consisted of about 115,000 persons, excluding some 34,000 slaves, and many of the colonists felt that on this score alone they were entitled to a more representative form of government. Appeals were again made to the British Government, but there was always some "insuperable obstacle"; and, indeed, the colonists themselves were not united on every point. Those of the Western Province wanted the Colony undivided, but the majority of those in the Eastern Province desired a separate administration.

At last, on the 2nd of November, 1846, Earl Grey, Secretary for the Colonies, announced in an oft-quoted despatch "that on a question of this nature some difficulties may be wisely encountered and some apparent risks well incurred in reliance on the resources which

every civilised society, especially every society of British birth or origin, will always discover within themselves for obviating the danger incident to measures resting on any broad and solid principle of truth and justice."

This despatch was addressed to the Governor, Sir Henry Pottinger, but nothing was done until Sir Harry Smith succeeded him. Sir Harry had been given a copy of the despatch before he left for the Cape, and on his arrival took an early opportunity of personally consulting Mr. Porter, the Attorney-General, as to the precise form of representative government likely to prove acceptable to the colonists.

In Mr. Porter the country was fortunate to have the very man most fitted to give sound advice. In 1839 he had been offered the post of Attorney-General at the Cape, and, although only a young man practising at the Irish Bar, his friends were not half sure that it would be wise for him to accept the position, as it was felt that his intellectual strength and rare gift of oratory would win for him even greater promotion in his native country. He accepted the appointment, however, and in time took all the Cape could offer. So great was his love of fairness and justice, his zeal and his capacity for work, that at the Bar, in the Legislative Council, and afterwards in the House of Assembly he would often furnish the opposite side of a case rather than achieve an unmerited success. Nothing seemed to overtax his brain and no amount of detail clouded his power of lucid ex-



HON. WILLIAM PORTER, C.M.G. (c. 1805-1880).  
Attorney-General from 1839 to 1866 and member for Cape  
Town from 1869 to 1873. He drafted the original  
Constitution Ordinance as well as the "Responsible  
Government" Act.

From a portrait in the possession of Miss E. A. W. Jermeyer.



position. He never expressed an opinion without having made the fullest investigations and everything he undertook he did thoroughly.

What Mr. Porter did was to draw up a memorandum which formed the basis for all future discussion. It was submitted to the Executive Council and three judges in March, 1848, and four months later, in the form of a draft constitution, was sent to England by Sir Harry Smith, who just previously had admitted that "the Legislative Council is regarded in this colony as a failure."

It is impossible to say what course events would have taken had it not been for the great anti-convict agitation which shortly afterwards shook the Colony to its foundations. On the one hand the Dutch and English were thrown together in a common aversion to the landing of criminals on their shores, but, on the other hand, they incurred the displeasure of the Colonial Office in England. The colonists, however, were encouraged by success and, utilising the organisation which had been perfected by John Fairbairn, the energetic secretary of the Anti-Convict Association, they redoubled their exertions until, on the 23rd of May, 1850, Letters Patent were issued by the Queen in Council laying down the main principles of a constitution on the lines of Mr. Porter's draft and leaving the details to be filled in by the Governor with the assistance of the Legislative Council.

The Council, however, barely existed at this time, as five of the unofficial members had resigned on account of the convict question and others had refused to be nominated in their places. Dislike was openly shown for the nominative system, and Sir Harry Smith consequently took the wise course of asking all the divisional road and municipal boards in the Colony to select members for nomination. Christoffel Brand, Sir Andries Stockenstrom, Reitz and Fairbairn, who were returned at the top of the poll, were then nominated and in addition the Governor selected Mr. Godlonton from further down the list.

An unusual amount of interest was shown when, on the 6th of September, 1850, the new Council met. Even before the doors were opened at one o'clock quite a large number of citizens had gathered outside, and the Chamber was soon crowded with strangers delighted to see Stockenstrom and Reitz sitting on the left of the Clerk and Fairbairn and Brand on his right. For a short while the business was conducted smoothly, but a section of the public soon began to get impatient with the slow progress that was being made, and a fortnight later Sir Andries Stockenstrom presented a petition from 225 residents of Cape Town, praying the Council to confine themselves to the framing of the constitution, and Mr. Montagu, the Secretary to the Government, having presented another petition to the opposite effect the proceedings became decidedly animated. Both



LETTERS PATENT AUTHORIZING THE ESTABLISHMENT  
OF A PARLIAMENT AT THE CAPE.

By this writ of Privy Seal, dated the 23rd May, 1850, it was ordained that a Parliament should be constituted by an Ordinance to be passed by the then existing Cape Legislative Council,

From the original document (measuring 29 by 23 inches) in the Cape Archives





parties had carefully prepared for the fray, and, after a heated discussion, Sir Andries Stockenstrom produced and dramatically held up a document containing eleven "reasons for dissent." One after the other, the four "popular" members, Stockenstrom, Brand, Fairbairn and Reitz, identified themselves with it, appended their signatures, tendered their resignations and made farewell speeches, after which, we are told, the meeting broke up with "tremendous cheering."

The Council being again without a quorum, Sir Harry Smith appointed the remaining members a commission to consider the constitution. A week afterwards they presented their report, and a few days later it was forwarded to England.

But meanwhile the members who had resigned were requested by the Municipalities of Cape Town and Green Point to draw up a constitution according to their own views. This resulted in the famous "Sixteen Articles," and Mr. Fairbairn and Sir Andries Stockenstrom were deputed to convey them to England.

Mr. Fairbairn had now reached the zenith of his fame. He had arrived at the Cape at the age of twenty-nine to take up a literary career with Thomas Pringle, the poet, and had been foremost in every movement for the improvement of the country. "An accomplished scholar, well versed both in ethical and physical science," as Pringle had said of him, sincere and persevering, "having at heart only the welfare, prosperity and

advancement of all classes," as he himself had said, he had been instrumental in securing the freedom of the Press, trials by jury, the construction of roads and bridges, the development of education, and had largely assisted in averting disaster when the Cape was threatened with becoming a penal settlement. Regardless of financial loss, he had for many years battled unflinchingly against overwhelming odds. He had made many public enemies, especially in the Eastern Province, but in private he never spoke ill of any man nor harboured bitter feelings. His intention, as he had expressed it, was to soothe the minds of the people, at that time highly exasperated by the oppressions of the local Government, and to convince them that institutions similar to those of England would protect them against the recurrence of the many evils they had endured. In appearance he looked the ardent reformer he was. His upper lip was firm and his thick hair was brushed straight across a thoughtful brow, while his eyes, grey-blue, deep-set and piercing, rather suggested the "second sight" he was supposed to have.

This was the man in whose hands the greater portion of the Cape unhesitatingly placed their hopes and aspirations. Sir Andries Stockenstrom was in bad health and unable to proceed at once to England, but Fairbairn was soon ready to make his departure, and on the 26th of October, 1850, between two and three thousand inhabitants assembled in and around the



*John Fairbairn*

MR. JOHN FAIRBAIRN: (b. 1794, d. 1864),  
"The Father of the South African Press" whose pertinacity  
and unflinching zeal were important factors in the struggle  
for representative government. Member of the Legislative  
Council, 1850, and of the House of Assembly, 1854-1863.  
From an autographed drawing in the City Hall, Cape Town.



Town House to bid him good-bye. A box was handed to him containing the "Sixteen Articles," engrossed on a scroll over eight feet long (now in possession of his grandson), duly signed and sealed by the Commissioners of the Municipality of the City of Cape Town, together with supporting petitions and resolutions. Amidst enthusiastic cheering he rose to reply in his broad Scotch dialect to the speeches that had been made, and when he had ended, says an eye-witness, he stood silent for a moment, overcome with emotion. "Gentlemen," he said, "for a short time I bid you—farewell. God bless you." "God bless you," shouted the excited multitude, and down to the wharf they trooped to witness his embarkation. The *Madagascar*, the ship he was to sail in, was swinging at anchor some little way out, but nearly fifty sailing boats gaily decorated provided an escort, and when the time came to bid a final farewell a band played "Rule Britannia," the little boats put back to land, and cheer after cheer was raised until the blue-coated figure standing on the quarter-deck grew dim in the distance.

The proceedings were almost unparalleled in the Colony, and showed the intense interest in public affairs that Fairbairn himself had awakened. But even among the onlookers there were a few staunch Government supporters who viewed the wooden casket containing the "Sixteen Articles" as a kind of Pandora's box filled with all manner of evil things, and on the other

side of the water his official reception was by no means cordial. Public interest had not moved so fast as it had at the Cape, and in the letters they wrote to the Cape both Fairbairn and Stockenstrom sometimes expressed high expectations but more often showed a deep despondency. They saw and wrote to everyone who could advance their cause, but in the middle of it all came a Kafir war, and although interest in South African affairs was quickened, the realisation of the colonists' dream was deferred for a time. Among the useful things they did in England was to give evidence before a Select Committee of the House of Commons and, moreover, they were able to get a legal opinion on a constitutional point of considerable importance. The Governor, unable to fill the vacancies in the Legislative Council occasioned by the resignation of the four "popular" members, had again found himself in a quandary, from which Earl Grey had sought to extricate him by "additional instructions" declaring the competency of the Legislative Council to act with its reduced membership. "Was this constitutional? Would the acts of such a Council be valid?" were questions Fairbairn and Stockenstrom put to three eminent lawyers, Sir Fitzroy Kelly, Spencer Walpole and J. R. Kenyon.

"We are of opinion," was the answer, "that the instructions . . . are . . . altogether invalid and void. It is clearly established that by the law of England a legislative constitution once granted by the Crown to

a Colony is irrevocable, except by the authority of the Imperial Parliament or by the act of the local legislature with the consent of the Crown."

Sir John Russell disagreed with the opinion, but a conflict was averted by the Governor being instructed to fill the vacancies to the best of his ability and to proceed with the draft Ordinance, which was returned to the Cape in a more complete form.

On the 27th of November, 1851, Fairbairn and Stockenstrom returned, and on the same day, by a curious coincidence, the draft Ordinance and the covering letter were published in the *Government Gazette*. Again there were innumerable delays, due this time to two official members of the Council, Mr. Montagu (the Secretary to the Government) and Mr. Rivers (the Treasurer-General), having changed their minds as to the advisability of having a representative assembly, but at last the draft was considered, passed and sent to England for the last time.

Eagerly the expectant colonists awaited an Order in Council ratifying the constitution, but the only news they got was bad. It was rumoured that extensive alterations were to be made and that by the time the constitution was returned it would not be worth having. Uncertainty gave rise to mistrust: public meetings were again started and the British Government was inundated with petitions, addresses and resolutions.

A change in the Government brought relief, and,

with the Duke of Newcastle as Secretary for the Colonies,\* the fears of the colonists were set at rest. The few alterations that were made were not very important.

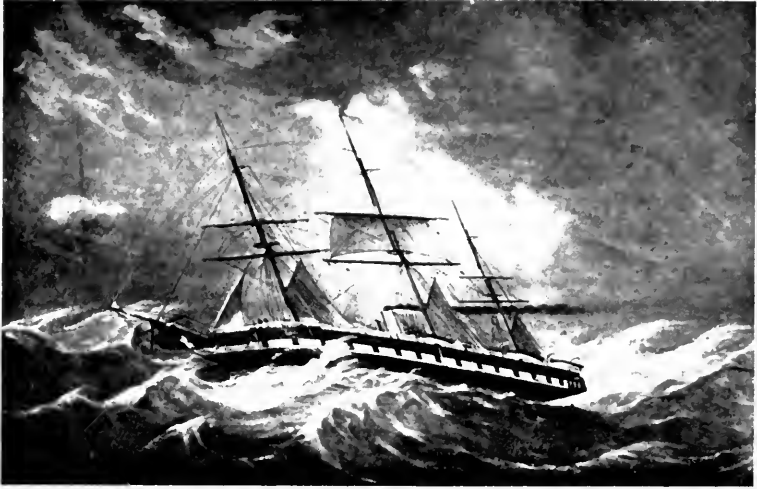
“It only remains for me now,” wrote Newcastle, “to assure you that in transmitting to the Colony of the Cape of Good Hope Ordinances which confer one of the most liberal constitutions enjoyed by any of the British possessions, Her Majesty’s Government are actuated by an earnest desire to lay the foundation of institutions which may carry the blessings and privileges as well as the wealth and power of the British nation into South Africa; and whilst appeasing the jealousies of sometimes conflicting races, to promote the security and prosperity, not only of those of British origin, but of all the Queen’s subjects so that they may combine for the great common object—the peace and progress of the Colony.”

The ship that carried the constitution in its final form was the *Lady Jocelyn*. She dropped anchor in Table Bay as the sun rose on the 21st of April, 1853, after a passage of thirty-seven days from Plymouth and in herself showed the progress the world had made

\* The delays which occurred when Earl Grey was Secretary for the Colonies (1846-52) gave rise to the following epigram quoted in the “Life of Sir C. Napier” :—

This point was long disputed at the Cape,  
What was the devil’s colour and his shape?  
The Hottentots, of course, declared him white,  
The Englishmen declared him black as night;  
But now they split the difference and say,  
Beyond all question that Old Nick is Grey.





THE MAIL STEAMER *LADY JOCELYN*  
—which carried the Constitution Ordinance in its  
final form to the Cape in 1853. The ship is  
depicted in a hurricane in the Bay of Bengal ten  
years later.

From a water colour drawing in the possession of Mr. John  
Fairbairn, M.B.E.



since Sir Benjamin D'Urban had landed with the commission containing the germs of a free constitution. Square-rigged on all three masts, a sailing ship at first glance, she was, according to the company's advertisement, in reality "an iron ship of 1,800 tons propelled by the screw," carrying sixty-seven passengers for the Cape, Mauritius, Ceylon, Madras and Calcutta—a veritable leviathan compared with the ships of 1834! A fine ship well suited to carry a fine constitution.

The constitution provided for a Parliament to consist of the Governor, an elective Legislative Council of fifteen members and an elective House of Assembly of forty-six members, and took effect from the 1st of July, 1853. The old Council held its last meeting on the 14th of October, 1853. On the 16th of November a proclamation was issued calling upon the registered constituencies to elect members for the new Legislative Council and on that date the old Council expired.

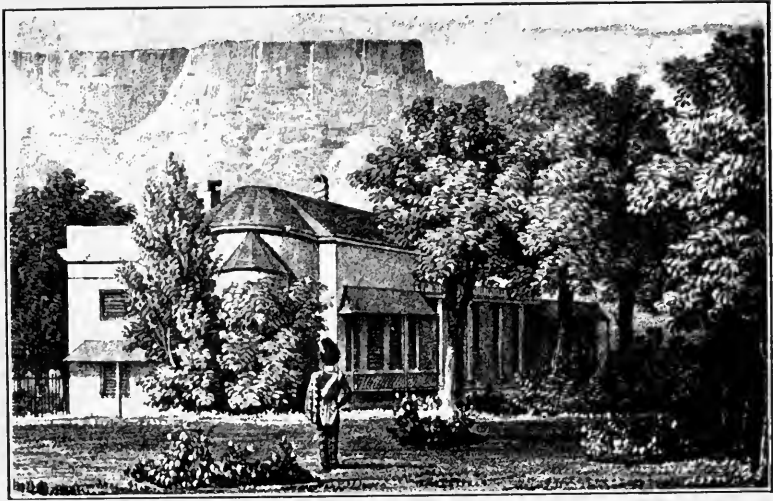
After the elections for the House of Assembly Cape Town was the scene of general festivities. Balls, levees, dinners and receptions were given, and members of the new Parliament, including those from the Eastern Province who had arrived by *H.M.S. Dee*, were feted by all.

It had been intended to hold the opening ceremony in the little room (afterwards known as the "Record Room") which had been occupied by the old Legislative Council in the Supreme Court buildings, and was to be

the temporary Chamber of the new Council, but at the last moment this plan was abandoned and it was decided to use the State Room in Government House.

A throne was set at the south end of the room under a rich canopy of scarlet cloth, the music gallery at the opposite end was prepared for ladies, and various other arrangements were completed only just in time. At half-past ten on the morning of the 1st of July, 1854, the gates leading into Government House gardens from the Avenue were thrown open and a large crowd flocked on to the lawn outside the State Chamber. A moment or two later the steady tramp of soldiers was heard, and with band playing and colours waving, in marched a guard-of-honour from the 73rd Foot Regiment, halted, formed up in a line alongside the stoep, and ordered arms with a crash. Never before had there been such a brilliant state function in the Cape. There were judges in their crimson gowns; bishop and clergy; naval, military and Indian officers; the *corps diplomatique*, and a Turk with a fez.

At a quarter to twelve the President and members of the Legislative Council arrived and took their seats on the right-hand side of the empty throne. Precisely at twelve His Honour the Lieut.-Governor, Mr. (afterwards Sir Charles) Darling, made his appearance; a salute of nineteen guns was fired from the Castle, the guard-of-honour presented arms and the band struck up "God Save the Queen."



GOVERNMENT HOUSE, CAPE TOWN, IN 1832  
—showing the exterior of the State Chamber in which the  
first Cape Parliament was opened in 1854  
From a lithographed drawing by H. C. de Meillon.



All being in readiness, the House of Assembly was summoned from the Goede Hoop Lodge, was bowed in by its newly elected Speaker and took its place on the left of the throne. The opening speech was read and the Parliament, so often within reach and so often snatched away, was a real living institution.

But it would be a mistake to suppose that all the colonists were content with what they had got. The constitution was what is known as "representative," but the officers who comprised the Government were debarred by the Constitution Ordinance from becoming members of Parliament. Sitting and speaking in either House solely by virtue of their permanent Downing Street appointments they were independent of political parties; and requiring no parliamentary support they could view an attack on their policy or administration with composure. If Parliament differed from them it could be dissolved, but they went on for ever. "Representative" government was, in fact, only a stepping stone from which the Colony might pass either forward to full "responsible" government under which ministers, by being made eligible for election to either House, would be answerable to Parliament for their conduct, or back again, as some colonies did, to "Crown Colony" government.

Discussions on the subject were raised in both Houses almost at once and continued until Governor Wodehouse, after making three reactionary attempts to

amend the constitution, brought matters to a head by dissolving the House of Assembly in 1869 and submitting to the electorate a draft Reform Bill under which it was proposed to revert to a system not unlike the old by reducing the two Houses of Parliament into one. This Bill was introduced into the new House of Assembly in 1870; but, much to the delight of the majority in the House of Assembly, it was defeated by thirty-four votes to twenty-six. The anti-reform party shook hands all round, even the gallery cheered, and, according to an imaginative reporter, "Mr. Ziervogel skipped down Grave Street like a young lamb, and Mr. Solomon popped into his carriage like an industrious flea."

Next year, Mr. (afterwards Sir John) Molteno carried a motion in favour of "responsible" government, and in the year following (1872), when a remarkably short Act giving effect to the resolution was passed, he was called upon to form a Cabinet under a constitution that had taken nearly three-quarters of a century to evolve.





# **The Old Cape House.**

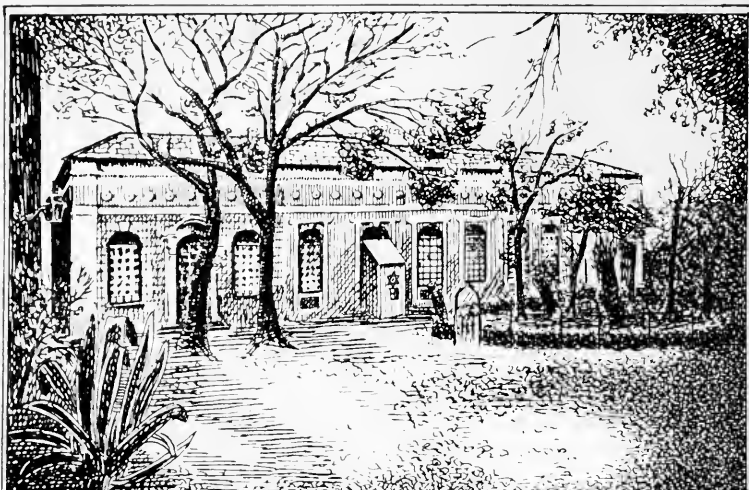


I.

In the  
Goede Hoop  
Lodge,  
1854-1884.







The Banqueting Hall of the GOEDE HOOP LODGE

BUILDING OCCUPIED BY THE HOUSE OF ASSEMBLY,  
1854-1884.

With the exception of the session held in Grahamstown in 1864, this hall was occupied until the "New" Houses of Parliament were completed. It was situated at the top of Grave (now Parliament) Street, and was destroyed by fire on the 21st February, 1892. On its site was built the present Good Hope Hall.

Drawn from a photograph in the possession of A. Elliott.

# I.

## In the Goede Hoop Lodge,

1854—1884.

THERE is no getting away from the fact that the building occupied by the Cape House of Assembly during its first thirty years of existence was far from what it should have been. Originally it had been proposed that the Supreme Court should be used by the House of Assembly until other arrangements could be made, but the Banqueting Hall of the Goede Hoop Lodge was used instead, and whatever attractions the hall may have had by reason of its surroundings, it was certainly more suitable for the entertainment of convivial brethren of the Lodge than for the housing of colonial statesmen. The gardens attached to it were irreproachable. A fountain tinkled in the centre all day long and spreading oaks tempered the heat of summer. Nor was the exterior of the building unattractive. Besides the main entrance, it had two pillared doorways leading into the garden, while its dull green slate roof harmonised with the foliage.

Lack of accommodation was its chief sin. The whole building, offices included, was not much bigger than the dining-room of the Union Houses of Parliament.

while the Debating Chamber measured only twenty feet across. It is true that there were only forty-six members in 1854, but, divided into two rows on each side of the House, there remained an aisle of barely four feet between the two front benches!

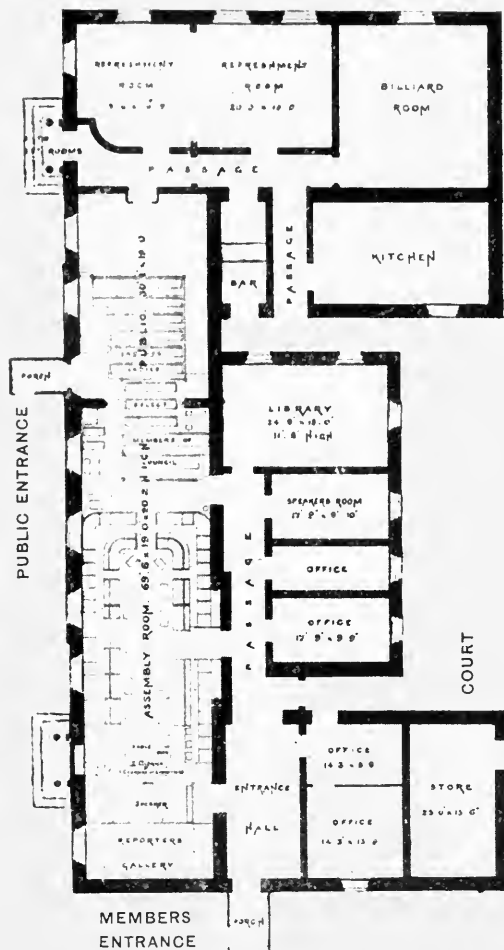
Yet, even in its cramped surroundings, the House had a dignified appearance. It is unlikely that the most critical member of the Mother of Parliaments would have found anything to smile at, and, notwithstanding the disheartening sentiments of the *London Times*, it required only a few sessions to show that, in its composition, the Cape House would bear comparison with any in the world. On its eighteen-inch flooring boards scenes were enacted, oratory displayed and statesmanship revealed of which any Parliament might be proud.

In 1854 the public gained admittance through the main entrance facing down Grave Street, and, after passing into a narrow passage, visitors were ushered into what was called the "public gallery"—a few seats arranged in rows and separated from the "House" by a rail of rough unpainted pine and a green baize curtain. At two o'clock a great hand-bell was rung, and when prayers\* had been

On the 4th of July, 1854, the fourth sitting day of the first session, Dr. Abercrombie called attention to the fact that so far no prayers had been read, and the House unanimously resolved "That the business of this House be commenced by prayer to Almighty God." The prayer used by the old Legislative Council from 1834 to 1853 was then adopted with slight modifications, and was substantially the same as that now used by the Union House of Assembly.



GOEDE HOOP GARDEN



PLAN OF THE BUILDING OCCUPIED BY THE HOUSE OF ASSEMBLY, 1854 '84.

The drawing is dated 1875, and shows the arrangements as finally adopted. The "member's entrance" shown here was originally used as a public entrance, and the Speaker's Chair was at the opposite end. From a plan in the Union House of Assembly.



read the curtain was drawn aside and the House, its members, its officers, and the Press gallery were exposed to view.

At the upper end of the hall facing the sea sat the stern-visaged Speaker (Sir Christoffel Brand) on an old-fashioned Dutch chair mounted on a small platform about two feet high. Immediately below him were the Clerk and the Clerk-Assistant seated at a deal table covered with green baize (even then the predominating colour), and piled high with books. The bearded Clerk, Mr. H. J. P. le Sueur, was the nephew of the then Postmaster-General, and the Clerk-Assistant, Mr. C. J. Brand, Jun., was a son of the Speaker. Close to the bar of the House, Major Longmore, the Sergeant-at-Arms, had a raised seat from which he would constantly descend to announce in a loud voice "a Messenger from His Excellency the Governor," or "Messengers from the Honourable the Legislative Council."

These were the officials of the House, but just behind and to either side of the Speaker's Chair, half-hidden by a screen, were the representatives of the Press: William Buchanan and his son James (afterwards a Judge of the High Court of Griqualand West) representing the *Commercial Advertiser and Mail* on the one side, and R. W. Murray, Sen. ("Limner"), representing the *Monitor* on the other. The *Commercial Advertiser and Mail* printed by

far the better reports of what took place, but Murray's pen was never still, and it is largely due to his sketches of members and reminiscences of early Cape days that it has been possible to reconstruct the House as it was. It should be remarked, however, that he was by no means impartial. A close examination of the articles he wrote, and the periods at which he wrote them, unfortunately exposes a strong political and even personal bias. One of his duties as editor of the *Monitor* was to oppose Fairbairn, and Fairbairn, according to the *Monitor*, never uttered a wise word in the House. Speaker Brand he soon fell foul of, and henceforth Brand was transformed from an able, impartial, fearless Speaker to a doddering old red-faced man whom "it was high time should be pensioned." Saul Solomon, whom he lauded to the skies in 1854, was ten years later, when Murray edited an Eastern paper, nothing less than narrow-minded, ungenerous and spiteful!

But to return to the House as visitors saw it in 1854. On the front benches on the Speaker's right sat the four executive officers, W. Hope (Auditor-General), H. Rivers (Treasurer-General), W. Porter (Attorney-General) and Rawson W. Rawson (Colonial Secretary), followed by Fairbairn, Watermeyer, Ziervogel, Molteno, Meintjes and Laws. On the left front benches were, to mention only a few, Arderne, Fairbridge, Tancred, Wiggins and White, while in a back bench behind Wiggins



MR. SAUL SOLOMON: (b. 1817, d. 1892)  
A dwarf in stature and a giant in intellect. He is seen in his  
back bench seat in the Goede Hoop Lodge. He represented  
Cape Town from 1854 to 1868 and from 1870 to 1883.  
From a portrait by W. H. Schroder, 1883 in the Union House of  
Parliament



sat Saul Solomon, the brainiest man in the House. Advocate J. H. Brand, another of the Speaker's sons, who in 1863 became President of the Orange Free State, was absent on circuit during the early part of the session, but he took his seat in time to show his abilities in discussions on some of the most important matters of the session. Could anyone wish to see a collection more brilliant than this in a colony which at that time could boast of not more than 140,000 white inhabitants?

The Legislative Council consisted of only fifteen members. Presided over by the Chief Justice, Sir John Wylde, they sat round a horse-shoe shaped table (recently broken up) in the upper room in the Old Supreme Court Buildings that formerly had been used by the Council of 1834-'53. There seems to have been a plentiful supply of green baize in those days, for this table, too, was covered with that material.

Numerically, the Council was thus far weaker than the Assembly, but among its members were such sterling men as H. E. Rutherford, F. W. Reitz, J. B. Ebdon and J. de Wet for the West, and Sir Andries Stockenström, R. Godlonton, G. Wood and H. Blaine for the East; and that they appreciated their functions and valued their opinions as much as did the House of Assembly is seen from the innumerable disagreements between the two Houses.

Troubles over money bills began in the first

session and ended rather curiously. The Constitution Ordinance expressly permitted the Council to amend Bills appropriating money for the service of the Crown or imposing taxation, and no sooner had the House of Assembly sent the first Appropriation Bill to the Council for concurrence than that august body became inordinately inquisitive. It wanted to know why the Speaker's salary was fixed at £800, why the Governor did not want more money for Road Boards, and several other things besides. Conferences were held between the two Houses, and eventually the Council decided to give the Governor money for Road Board officials whether he wanted it or not.

The Assembly was up in arms. The Council amend a money bill? Never! According to the letter of the law it certainly had the right to do so, but what of that? The time-honoured constitutional practice of the Imperial Parliament was good enough for them, and so they rejected the amendment. The Council insisted on the amendment, but instead of being content with saying so, they decided to inform the House of Assembly that "the Bill is consequently lost." The bearers of the message were duly announced, walked up the floor of the House, and were on the point of handing it to the Speaker, when that astute custodian of the Assembly's privileges spied the accompanying Bill. The message he would receive, but not the Bill, for, said he, if the Bill were lost in the Council the



bearers of the message could not possibly have it in their possession. But the bearers seemed to think it had been found again. They persisted in handing over the Bill and firmly placed it on the Speaker's desk. The Speaker just as firmly picked it up and dropped it on the floor, and there it expired—the first Appropriation Bill and the first bill to “drop” in every sense of the term.

The Governor was thus left without funds, but he soon found a way out of the difficulty by embodying such of his requirements as were non-contentious in a supplementary Appropriation Bill. This Bill was passed by both Houses, and at the prorogation ceremony His Excellency took the opportunity of asking them to think over their troubles more calmly during the recess. But from that day to this the two Houses have continued to wrangle, and R. W. Murray tells us that when a few years later they attended the ceremony connected with the laying of the foundation stone of the patent slip at Simonstown, they were so much at loggerheads that the band struck up, “Oh, dear, what can the matter be?” much to the amusement of Sir George Grey and the guests.

Messages between the Upper and Lower Houses, by the way, were at first conveyed by two members specially deputed on each occasion, and one can understand the feeling that prompted the House of Assembly to abandon this practice after a three years' trial

It was then (1857) proposed that one of the officers of the House should be empowered to carry messages to the Council, but no one appears to have been particularly anxious constantly to tramp Grave Street and climb the twisting staircase to the Council room. When the Clerk of the House was suggested he looked down his nose, and when the Clerk-Assistant was mentioned he looked out of the window to see what the weather was like. The Clerk of the Papers had his turn, but when the qualifications of the doorkeeper had been discussed the doubtful honour was thrust upon the chief officer as the most suitable to be trusted with the dignity of the House.

The distance which separated the Colonial Lords from the Commons was, however, even greater than that which separated their Imperial prototypes from one another in the days of old when the Commons resorted to the Chapter House in Westminster Abbey and left the Lords in possession of the Parliament buildings over the way, and the result was that the Clerk of the House had often to dash to and fro more like a professional sprinter than a sedate official. Under these circumstances it is not difficult to understand how it came about that before the two Houses were brought under one roof the Clerk-Assistant was also deemed to be a person worthy of the dignity of carrying messages.

No legislative body could have been more jealous

of its dignity, but the most austere assembly in the world is subject to the frailties of the flesh. It is said, for instance, that in the English House of Commons, at the end of the seventeenth century, it was not thought peculiar for a party of Cabinet Ministers, stripped to their shirts and riotously intoxicated, to climb the nearest signpost in order to drink the King's health from a suitable point of vantage. Although the Cape House never got quite so far as that, there is one notorious instance of intemperance. A member (who shall be nameless), after giving cause for comment during the whole afternoon of the 9th of June, 1857, reached an unmistakable stage after dinner. He wanted pen and ink and paper, and insisted that the Clerk of the House should supply him from the drawer in the Clerk's desk. As the drawer was locked, the key was angrily demanded, and it looked as though an unseemly altercation was about to take place, until Mr. Moltano made a timely interference and asked the House, through the Speaker, to order the withdrawal of the member.

The House was more than willing, but the member demurred. Then a bright idea struck him. Why should he be bullied? Why had the House suddenly decided to get rid of him? He appealed for protection and peace, as well as for pen and ink. "Ve-ry well," he said, when this was refused. "I will seek my own protection, Mr. Speaker [he pronounced it

' Shpeaker ']. I have allowed this to go on too long ! Am I to give up an opinion—when I have a self-conviction ? For what reason is all this brought forward ? ”

“ Be at peace,” interjected Mr. Fairbairn. “ Take the advice of friends and quit the Chamber.”

“ Well, well,” continued the fuddled member, “ there is my hand and my word of honour. If you are satisfied I am for peace, I will sit down.”

“ Will you *withdraw* ? ” asked the Speaker.

“ NO,” came the stentorian reply ; “ I throw myself on the hands of gentlemen.” The question was put that the offender be placed in the custody of the Sergeant-at-Arms, and was carried by acclamation. The Sergeant-at-Arms approached his prisoner, and for a moment they looked at one another. Then, turning about, the Sergeant-at-Arms headed for the exit, followed by the delinquent, who, with one eye cocked on the shining mace, strutted out, singing “ Rich and rare were the Gems she wore.”

I know of only one other instance of a member being placed in custody. “ While Mr. Shepperson was addressing the House,” read the Journals dated the 22nd of May, 1856, “ Dr. Tancred repeatedly interrupted the proceedings.” Mr. Speaker called him to order, but Dr. Tancred not only persisted in “ vexatiously interrupting the House,” but refused to leave the Debating Chamber until conducted out by the Sergeant-at-Arms.

Left alone, the House quickly resolved that Tancred "had made himself guilty of contempt of this House, and that he, therefore, be committed to the custody of the Sergeant-at-Arms until he shall have satisfied the House." Tancred was brought to the bar, informed of the decision, and again removed in charge. He appears, however, to have been an unwilling guest, for no sooner was his fate determined than he seized a sheet of foolscap and hastily scrawled in letters an inch big: "Dr. Tancred for Clanwilliam, seeing that the Chair and Speaker must be upheld, gives his unconditional apology to the Speaker and this Honourable House." But this Honourable House was in no hurry to see Dr. Tancred for Clanwilliam, and by postponing the consideration of his belated retraction, allowed him to remain in the company of the Sergeant-at-Arms for five days.

One of the first things the House had done on its meeting in 1854 was to appoint a Select Committee, comprising Porter, Fairbairn, Fairbridge, Watermeyer, and Ziervogel, to frame Standing Rules and Orders. These were drafted with the greatest care, and, with only a few alterations, were adopted by the House in the same session. They numbered only 173, and by enunciating sound principles without entering into many details, remained in use, with a few additions, for twenty-nine years.

Dr. Tancred was the first to test them, and this

is the most charitable light in which that insufferable, thick-skinned nuisance may be remembered. At first he shocked the House, then by turns he angered and amused it, until finally Speaker and members decided to disregard his antics. One day he would mimic a member, another day he would defy the authority of the Chair, but on the 24th of April, 1856, he exceeded all Parliamentary bounds.

The House was in committee on the report of a Select Committee, when Dr. Tancred, who favoured the separation of East from West, interrupted Mr. Ziervogel by shouting out, "Separate, separate," to which Mr. Ziervogel retorted with some warmth: "Perhaps the House would be glad to separate from Clanwilliam and its honourable member too—and the sooner the better." The afterthought was the finishing touch.

"What's that you say?" roared Tancred, red-hot with rage. "One member is as good as another."

"Yes," replied Ziervogel, "and perhaps a little better."

This was too much for Tancred. Inarticulate, he sprang from his seat, threw his pocket-handkerchief in Ziervogel's face, and significantly walked outside.

Ziervogel was sensible enough not to follow him. Nothing, he assured the outraged House, that was done by Dr. Tancred could offend him. When the committee had reported, and the insult was brought

to the Speaker's notice, Tancred was summoned to his seat and, after he had offered a very poor apology to the House, it was deemed expedient to let the matter drop.

Failing separation from the Western Province the Easterns naturally urged that Parliament should sometimes hold its meetings in their part of the country. The Governor was empowered by the Constitution Ordinance to summon Parliament to meet anywhere in the Colony, but notwithstanding growls from the East, Parliament was only once summoned to meet outside Cape Town. In 1855 an Eastern moved "That the just claims of the Eastern Province require that the next session of Parliament be held in some suitable town in the Eastern Province . . ." but there were many obstacles, such as the transference of the Parliamentary records, and Dr. Tancred, in a facetious mood, moved as an amendment, in words curiously resembling those of the original motion, that the Governor be requested to instruct the Colonial Secretary (Rawson W. Rawson) to carry the Cape Archives on his back to the town selected, and further, to instruct a medical officer "to attend the Colonial Secretary and support him in his bodily and mental exertions." The amendment, needless to say, was not seconded, and the original motion was negatived.

But in 1863 a similar motion was carried, and, although it was defeated in the Council, the Governor

decided, owing to his inability to pass certain measures in Cape Town, to hold the next session in Grahamstown. At the prorogation ceremony he announced his intention. The Western members were thunderstruck and strongly protested, but their protestations were in vain, and held in Grahamstown the next session was.

The Sergeant-at-Arms lugubriously packed up the mace\* and, pestered by reporters, curious to see his precious charge, travelled by sea and land to the City of Saints. The Speaker drove overland, and found the jolting he got on the journey extremely disagreeable. Grahamstown, on the other hand, was delighted, and the hotel proprietors beamed at the prospect of unusual profits.

As the buildings in the Drostdy grounds had just been vacated by the garrison, the old military hospital (now used as a botany room by the Rhodes University College) was prepared for the House of Assembly, and three wooden Crimea-huts (subsequently destroyed by fire), which stood close by, were allotted to the Legislative Council. The services of a local carpenter were requisitioned to make the interior of these buildings resemble the two Houses in the Cape, and, so successful were his efforts, that before Parliament met, the Cape

\* This mace is now used in the Union House of Assembly, and is a replica of that which has been in use in the House of Commons since the Restoration. Costing 100 guineas, it was ordered from England in 1854, and arrived the following year in a French-polished oak case. In 1892 a new case was made from the wood of "Van Riebeck's Thorne," a mimosa tree some 320 years old which was blown down just outside the Houses of Parliament in that year.





OPENING OF PARLIAMENT IN THE SHAW COLLEGE,  
GRAHAMSTOWN, 1864.

The troops are seen presenting arms as the Governor's carriage draws up at the entrance to the building in High Street. The building is now used for various purposes, and the facade has been entirely rebuilt.

From a wet plate negative in the possession of A. Elliott



Town House of Assembly and the one in Grahamstown were, in the words of a man who knew both places, "as like as two peas." There were the same four rows of seats covered with sham morocco, the same square table with mahogany brackets for the mace, and the same desks, screens and glass ink-stands.

Amid great rejoicings of the inhabitants, the opening ceremony took place in the Shaw College in High Street on the 28th of April, 1864. Members of Parliament foregathered in houses just opposite the college, and the Westerns noted with amusement the "Separationist" inscriptions on some of the streamers that adorned the street. "Look out for squalls," read one; "Shall you remain?" bluntly queried another; and "Shall we keep company?" was the strange device of a third. When the ceremony was over members of both Houses returned to their respective buildings, and West prepared to tackle East in its own stronghold.

During the session a peculiar informality was disclosed which resulted in a notice being served on the Speaker by a firm of Cape Town attorneys. Preceding the session, there had been a general election, and the Constitution Ordinance provided that when all the results had been proclaimed in the *Gazette*, the Governor might summon Parliament by proclamation. Now not only was this proclamation issued a few hours before the publication of the Clanwilliam election results, but it was known that on the date

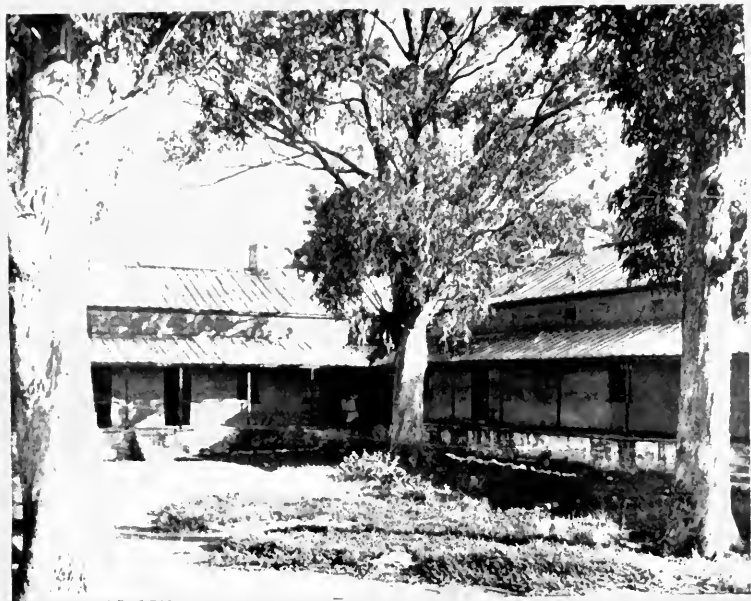
on which the proclamation purported to be signed in Cape Town the Governor was actually in the Eastern Province and that he, therefore, could not possibly have affixed his name to the proclamation as by law required.

The two members for Clanwilliam (Mr. Boyes and Mr. Steele) expressed themselves highly aggrieved. They drew up a "solemn declaration and protest," and through their attorneys called upon Sir Christoffel Brand, the Speaker, to show cause why the proclamation summoning Parliament to meet, as well as the whole proceedings at Grahamstown, should not be declared "null and void, illegal and of no effect."

The document was considered by a Select Committee which reported to the House, and the House, to the credit of the Western members, told the Speaker not to take any notice of it.

After sitting for three months in Grahamstown, both Houses met once more in the Shaw College—this time for the prorogation ceremony—and heard that the Governor regarded the session as a success. The Westerns, however, took a different view, and those who still remained lost no time in getting back to their homes.

The next session (1865) was the longest in the history of the Cape Parliament, and one of the liveliest that took place in the Goede Hoop Lodge. By an Act of its own the Imperial Parliament attempted to force



BUILDING OCCUPIED BY THE HOUSE OF ASSEMBLY IN  
GRAHAMSTOWN IN 1864.

View of the old military hospital in the Drostdy grounds. The members' entrance to the debating chamber has been converted into the window shown on the extreme right. The steps which led to the entrance have been removed, and the trees have been lately cut down.

From a recent photograph by Lt.-Col. H. Greener.



the Cape Legislature to annex British Kaffraria, and Saul Solomon promptly moved a resolution that took three pages of printed foolscap, roundly denouncing the Imperial Parliament for "violating our Constitutional rights" by attempting to force the hand of the Cape Parliament and censuring the Governor for carrying out his instructions. At a quarter to one on a chill morning of the 24th of May—the Queen's Birthday of all days—the motion was agreed to without a division, and, having thus disposed of the Imperial Parliament, and the Governor, Westerns and Easterns joined issue on the additional number of seats to be allocated upon the annexation of Kaffraria.

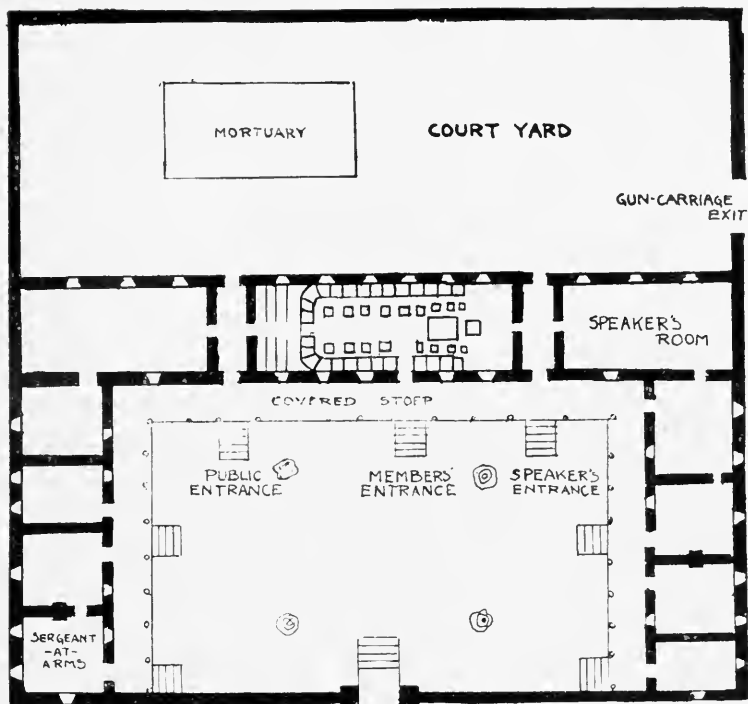
Parnell had not yet shown how to employ "the sacred right of obstruction," but the Easterns managed fairly well for themselves. They read pages and pages from blue-books, quoted extensively from Webster's Dictionary, and, not unnaturally, showed a predilection for excerpts from *A Row at the Oxford Arms*. The Westerns put in an appearance as little as possible, and the Easterns took advantage of the fact by arranging with three or four members to read extracts to empty benches, and at regular intervals to draw attention to the want of a quorum (twelve members). The bell would then be rung as in a division, and the Westerns would be obliged to muster in sufficient force to form a quorum and so prevent the count-out which would have meant that the Bill before the House would

lapse and have to be revived by a fresh motion involving fresh discussion. On one day alone there were fifty-eight counts, and, before the Bill was passed, there were over four hundred, five of which did result in the House being counted out.

The Bill had hardly been read a third time when both parties put their quarrel on one side in order to honour a man to whom honour was due. William Porter was about to retire from the office of Attorney-General and the House unanimously decided to pass a vote of thanks for the exceptional services he had rendered. During his term of office he had done as much as any to create the proper tone in the House and to mould its character. He had prepared, and written in his own hand, almost every bill introduced, and was admired as much for his oratory and brain-power as for his downright honesty, his regard for the feelings of others, his manliness and his modesty.

He was now sixty years of age, and grey-bearded, but his tall figure was as erect as ever, and when he strode into the House just before the Orders of the Day were read on the 21st of August, 1865, there was an expectant silence. A few days before, when a vote of thanks had been passed, it had been resolved that the Speaker should communicate the resolution to Mr. Porter in the House, and the galleries were crowded in anticipation of the event. Members and the public rose as he entered, and when Mr. Speaker





PLAN OF THE BUILDING OCCUPIED BY THE HOUSE OF ASSEMBLY IN GRAHAMSTOWN, 1864.

Slight structural alterations have since been made.

Drawn from observation and measurements taken in Grahamstown from contemporary descriptions and from information supplied by Mr. R. J. Cozan, who frequented the Buildings in 1864.



after an appropriate address handed to him a scroll on which was engrossed as many words of heartfelt thanks as could be worked into formal phraseology, Mr. Porter held an admiring audience spellbound by a speech that was as eloquent as it was humble. And when he finished speaking there was a spontaneous burst of cheering, in which the strangers in the gallery lustily joined, despite the remonstrances of the Sergeant-at-Arms.

Mr. Porter, even when a member of a conservative Executive, had been in favour of party government, and sitting as a private member for Cape Town in 1872 he had the satisfaction of seeing the "Responsible Government Bill," which he had been called upon to draft, pass through the Assembly after a hard fight and scrape through the Council by the casting vote of the Chairman of Committees.

In this year (1872) the House consisted of sixty-six instead of the original forty-six members, and of these only five who had sat in the first House remained to hand on its traditions. They were Molteno, Porter, Solomon, Ziervogel, and the Speaker, Sir Christoffel Brand. But there had been added at least five new members of note to transmit the unwritten laws to the younger generation, namely, J. X. Merriman, T. C. Scanlen, G. Sprigg, Tennant (afterwards Speaker) and J. H. de Villiers (afterwards Lord de Villiers), and with such members to show the way the House

entered into a period of transformation that lasted until the old buildings were forsaken. The introduction of responsible government meant an organic change, but it was not revolutionary, and the process of development was far slower than might be expected. Many responsibilities properly attaching to the Government but filched by a House envious of executive control continued to be undertaken by the House; the old rules still obtained, and Ministers were at first prone to forget that they depended on the good-will of Parliament for their existence.

In 1874, however, when Sir David Tennant was elected Speaker, the character of the House, from the arrangement of the Debating Chamber to the form of its proceedings, underwent a noticeable change. Like all new brooms he made a clean sweep. The Speaker's Chair, which, in 1866, had been moved from the upper end of the Chamber to a position facing across the floor, was placed at the lower end of the Chamber, a proper Press gallery was built, and the attendants were smartened up with new uniforms.

Sir David had read the signs of the times aright. He recognised the spirit of evolution that was at work, and, as Speaker, took far more upon his shoulders than had his predecessor, who, in accordance with ancient custom, had regarded himself merely as the mouthpiece of the House, and had frequently referred back to the House, or the Select Committee on Standing

Rules and Orders, questions that he had been asked to decide. In some cases Sir David followed this practice, but with the accumulated precedents that had been established and a good conception of the sense of the House, he generally stated exactly what should or should not be done. He discountenanced frivolous motions of the Tancred type, and drafted revised rules.

Simultaneously the status of the Chairman of Committees was greatly improved. Hitherto each Committee of the Whole House had chosen its own Chairman, and sometimes as many as twenty members were selected during one session. Some were good but others were indifferent, and even bad, and as none had the advantage of continuous experience, a feeling had been growing that only one member should be elected for all Committees. Among the most successful Chairmen had been Mr. W. Walter, and on him, in 1875, was conferred the distinction of being appointed first permanent Chairman of Committees of the Cape House. Elected for George in 1859, firm, upright and impartial, he was much respected by both sides of the House, and invested the new office with the authority to which it was entitled.

In 1872 a blow was struck at the old party divisions of East and West by passing an Act establishing seven circles instead of the Eastern and Western Provinces for the Council elections. In 1882, at the instance of

J. H. Hofmeyr, an Act was passed (without a division in the House of Assembly) permitting the use of the Dutch language in debates. In 1883 both Houses surrendered to the Supreme Court their exclusive right of determining the validity of elections, and in the same year passed the Powers and Privileges of Parliament Act, which at last enabled them to stretch an arm beyond their walls and put an end to insults which they had previously allowed to pass unnoticed.

These were some of the more important changes that took place during the period 1872-1884, but there were many others. Although replies to the Governor's opening speech had long been discarded, the opening ceremony was as much as ever a public entertainment, but from 1881 the grand finale, the prorogation ceremony in Government House, was discontinued, and only revived on three later occasions. In 1882 the Governor virtually abandoned the practice of sending messages to the House by one of his household staff and communicated with the House through his Ministers. In every direction there was a tightening up of procedure and economising of time. The leisurely old days when it took five hours to print a page of foolscap, when the House adjourned for a Government House ball, and when a member sought to postpone a discussion because the Speaker had influenza, were fast disappearing.



HON. SIR JOHN MOLTENO. K.C.M.G. (b. 1814, d. 1886).

Sir John, or "The Lion of Beaufort" as he was called, headed the movement for Responsible Government, and was the first Prime Minister. He represented Beaufort West from 1854 to 1878 and Victoria West from 1880 to 1883.

From a drawing by W. H. Schroder in "Het Volksblad," 1884.





Meanwhile three Ministries rose and fell. When the new constitution came into force on the 29th of November, 1872, the Governor asked Mr. (afterwards Sir Richard) Southey to form a Ministry. On his declining, Mr. Porter, who had drafted the Bill, was approached, but he, too, refused, as also did Mr. Solomon, and so it came about that "Molteno, the lion of Beaufort, the alpha and omega of every question, the great Sir Oracle of the Assembly," formed the first Ministry.

Of his trials and tribulations the reader will get a full account in *The Life and Times of Sir John Charles Molteno*, which gives a minute description of the trouble beginning with a native squabble at a drunken feast, centreing round the resultant Kafir war that set all the frontier ablaze, and ending with the dismissal of the Molteno Ministry on one of the biggest constitutional issues the Colony ever knew.

The crisis arose in connection with the use of Imperial troops and the control of Colonial forces, but of the forces themselves there could be nothing but praise, and the House showed its feeling in a manner even more elaborate than when it paid its tribute to Mr. Porter. Sprigg, who, without a general election, had formed a new Ministry, moved, and Molteno, who now sat on the Opposition benches, seconded, a resolution that a vote of thanks be accorded the successful commanders. Political differences were laid

aside, the resolution was agreed to, and on the 3rd of July, 1878, the heroes of the hour, General Thesiger and Commodore Sullivan, appeared in person to receive the gracious thanks of the House through Mr. Speaker Tennant. The whole House was specially prepared for the occasion. Outside the building the Cape Town Artillery had drawn up their guns, while inside tables and blue-books had been removed, and two crimson easy chairs placed within the bar. As the Speaker's gallery behind the bar was apportioned to the blue and scarlet-coated officers, distinguished strangers were placed on either side of the Speaker's Chair.

At two o'clock Sir David Tennant, robed in state gown of black and gold, took the Chair, and having read prayers, invited the General and the Commodore, who waited without the bar, to take their seats on the floor of the House. The Sergeant-at-Arms bearing the mace took up his position on the General's right and the Speaker proceeded in appropriate terms to convey to the Imperial and Colonial forces the highest compliment Parliament can offer. Two soldierly replies, and the hall emptied. The Artillery fired a salute that shivered a pane of glass, and the proceedings were at an end.

Thereafter the Opposition settled down in earnest to oust the Government. Sprigg fell to Scanlen, and just before Scanlen succumbed to Upington the House moved over to the buildings now occupied by the

Union Parliament. No guns proclaimed the event. The change from old quarters to new marked the end of a distinct period in the development of the Cape House; but when, during the recess of 1884, Messrs. Bull and Son, the contractors for the new buildings, had handed over the keys of the new quarters, the Speaker and his staff moved silently down Grave Street without ostentation of any kind.

For a short time the Native Affairs Department made use of the old Lodge, but in 1892 it was destroyed by fire, and after being rebuilt was used for almost every purpose under the sun. To-day, however, as the office of the Cape Town branch of the Government Printing and Stationery Department, it is once more the home of blue-books—blue-books that contain the history of every question that exercised the ingenuity of our early legislators. Buried away, they are the dead bones of the past, but the spirits of their authors still meet one at every turn.



II.

The  
Building  
of the  
“New ”  
Houses of  
Parliament.







#### ORIGINAL DESIGN FOR THE HOUSES OF PARLIAMENT

- By Charles Freeman, as modified and approved by a special commission in 1874. The corner-stone was laid in the following year, but the building was never completed.

From the miniature photograph on invitation cards issued for the corner-stone ceremony (see p. 55).



## II.

# The Building of the "New" Houses of Parliament.

### A CHAPTER OF ACCIDENTS.

“**D**O you think that the public and strangers can have any respect for the Parliament of this country when they see the members of the two houses in the two different places\* which they now occupy?”

The question was put by a member of a Select Committee of the “Upper House” to Major Longmore in 1859.

Major Longmore must have smiled. He was Sergeant-at-Arms of the “Lower House,” but he was also a poet and a philosopher. “As to gaining more respect,” he answered, “their acts will be the source of respect shown to them.”

The Select Committee, however, was sensitive about visitors commenting on the “pig-sty places in which discussions were held,” and seriously contemplated appropriating the Public Library buildings, then being erected, for the Houses of Parliament.

\* The Record Room of the Old Supreme Court Buildings and the Goode Hoop Lodge.

Mr. Scott Tucker, the Civil Engineer, urged the committee to construct new quarters on the site that was eventually adopted, but the Parade, Caledon Square, Greenmarket Square, the Paddock half-way up Government Avenue, and a space at the top of the Avenue were also mooted, and had their supporters.

Captain George Pilkington, R.E., the first Colonial Engineer, had previously submitted a design for the buildings, but in the end the Committee decided that Mr. Scott Tucker should draft fresh plans, and that the site should be determined later. By "later" the Committee meant "soon," but it was not until the 23rd of September, 1874, that the present position was finally settled upon by a Commission.

Meanwhile Scott Tucker's plans met the same fate as Pilkington's. They were laid aside, and in 1873 three prizes were offered for the best designs for the new Houses of Parliament. Seven were received, and the Commission that selected the site decided that the first prize of two hundred and fifty guineas should be awarded to Mr. Charles Freeman, an officer in the Public Works Department.

When Mr. Freeman's design, "*Spes Bona*," after some modification, was officially adopted, he must have counted himself a lucky man, yet in only a few months he was, for a time, to rue the day he ever set pencil to paper in the competition.

Great preparations were made for the 12th of May,

1875, the day on which the foundation-stone was to be laid. Miniature photographs of the new buildings (see illustration) were pasted on elaborate invitation cards, the day was proclaimed a public holiday, and crowds gathered from far and wide to witness the event.

Bunting, flags, sunshine and colour made the proper background, and in the foreground stood a tripod from which hung the foundation-stone, a massive block of granite engraved in letters of gold, "A.D. 1875." Near the stone sat His Excellency the Governor, Sir Henry Barkly, and when all was ready and speeches had been made the real ceremony began.

In a cavity of the stone were placed a glass tube containing specimens of the coins of the realm, together with a parchment scroll, engrossed with the names of eminent persons present, at the foot of which was the name of Mr. Charles Freeman, architect.

Corn, wine and oil were poured on the stone by three Masters of Masonic Lodges, and thereafter the Dean prayed that "God Almighty might grant that the building thus begun in His name might be happily carried on to its complete termination without injury or accident, and that when completed it might be used for the good of this Colony, to the honour of our Queen and to the happiness and good government of our people."

A silk flag bearing the newly designed Cape Arms\*

\* The Cape Arms were not formally granted by the Queen until 29th May, 1876. For Royal Warrant see Cape Gazette, 1st Sept., 1876.

was hoisted over the stone, but the building thus begun was never completed, and the corner-stone itself has vanished.

Mr. Freeman was appointed Resident Architect to supervise the work and the unexpected happened. The foundations had to be sunk deeper than had been anticipated, water had to be drained off, and the probable expenditure was found to be far greater than had been estimated.

In submitting his design, Freeman had roughly calculated that the cost of building would not exceed £50,000 (the maximum fixed by the terms of the competition), and the Public Works Department had checked his figures. But now it was found that with the modifications that had been made the cost would be quite double that amount.

Someone had to suffer, and Freeman suffered acutely—for a time. It was pointedly remarked that his designs were very similar to a building in Illinois, and that they had many points in common with Scott Tucker's.

Mr. Freeman was openly accused of neglecting his duty by concealing information as to the increased cost, and ten months after the foundation-stone had been laid he was dismissed from office.

Then followed a period of doubt and uncertainty. The House of Assembly decided to appropriate the Commercial Exchange, which stood on the Parade. A Bill was introduced for this purpose, but the Council

threw it out. During the suspense the foundations which had been laid were found to be faulty, and at last Mr. Greaves, of the Public Works Department, who had been brought out from England in connection with the building that had been started, was entrusted with the preparation of entirely new designs.

In rebuilding the foundations, the corner-stone which had been so reverently laid was surreptitiously removed, and left to lie neglected among the refuse that surrounds all new buildings. The coins and parchment scroll, however, were rescued, soldered up in a tin box, and quietly placed in a secret place made for it in the projecting foundations of the entrance to the Parliamentary Library.

Even after the fresh start had been made there was much wavering. Those who were to inhabit the buildings became uneasy lest red-brick would have a meretricious appearance, and wondered whether there were not too many ornamentations.

Were the outlines all that might be desired, was Doric the most suitable style after all, and would it not be better to face the building with granite? were questions that assailed their doubting minds. More resolutions, more correspondence, and another Select Committee, and it was resolved that the building should proceed as Mr. Greaves had planned it.

And so at last in 1884, after thirty years of uncertainty, the Houses of Parliament were finished at a cost

of £220,000. There was no dome, there were no statues on the parapets, and there were no fountains as originally provided by Mr. Freeman, but then his design would have exceeded the £50,000 limit prescribed by the competition!

How Mr. Freeman must have chuckled afterwards. As a builder and designer he started business on his own, and before he died, a few years ago, could point in Cape Town alone to the Wesleyan Church, the Standard Bank, and a host of other buildings, including his own premises in Strand Street, as monuments to his success and architectural ability.

### **III.**

**In the  
“ New ”  
Houses of  
Parliament,  
1885-1910.**









THE "NEW" HOUSES OF PARLIAMENT, 1885-1910.

With the addition of a new wing on the further side, these buildings are now used by the Union Parliament.

From a photograph by E. Peters ("Hood's Studio"), Cape Town

### III.

## In the "New" Houses of Parliament, 1885-1910.

FROM the raised throne in the Legislative Council Chamber of the "new" Houses of Parliament His Excellency the Governor, Sir Hercules Robinson (afterwards Lord Rosmead) bowed twice. "Mr. President and Gentlemen of the Legislative Council," said he, and there was a ring of satisfaction in his voice, "Mr. Speaker and Gentlemen of the House of Assembly, in meeting you for the first time in this Chamber, I desire to offer you my congratulations on being able to assemble in a building worthy of the Legislature of the Colony, and to express a hope that the erection of this handsome and convenient structure indicates an intention on your part to proceed in the future in that course of progressive and useful legislation which has been pursued in the past."

Outside the "handsome and convenient structure" horse and foot regiments made as brave a show as wet great-coats and a raw and gusty day in the month of May, 1885, would allow, but within the building there was seldom a more spectacular opening ceremony.

Hitherto these ceremonies had been held at Government House whither both Houses of Parliament had proceeded, but now that Parliament was properly housed the position was reversed. Now the Governor, amid all the pageantry befitting the occasion, could come to Parliament, and men and women tricked themselves to show their appreciation of the removal of the legislature from barn to palace. Sir Thomas Scanlen wore the star of the K.C.M.G., the Speaker's train was carried by his little grandson attired in Highland costume, the Clerk and Clerk-Assistant for the first time donned bob-tail wigs and wore uniforms beneath their gowns, while the judges looked as grave as when twelve years later they, with General Goodenough, were themselves commissioned to open Parliament during the absence of the Governor.

“Palatial,” “magnificent,” and even “stunning” were words one might have heard as, the ceremony over, members of the House of Assembly wended their way back to their own side of the building. But the smell of fresh paint and varnish in ornate surroundings did not appeal to them all, and there were some faces, tanned with the fresh air of the veld, that during both the opening ceremony and the brilliant reception given by President and Speaker the same night, betrayed the sadness that comes in parting with an old home, be it even a barn. In the Goede Hoop Lodge the garden had been the lobby, and intercourse was governed by

the freedom that the garden inspires. Now pillars of marble with Corinthian capitals, tessellated floors, and a Debating Chamber only a few feet smaller than that of the House of Commons gave rise to a new feeling of formality. The draughts were abominable, the light was trying, the acoustic properties bad, and poor Mr. Greaves, of the Public Works Department, was kept busy for many a year later trying to remedy the defects. There was only a small refreshment room, but a handsome library and a comfortable billiard room made up for a good deal. And then there were the division lobbies.

Now thereby hangs a tale, for the history of divisions in the Cape House is peculiar. For the first five years of its existence the Cape House thought it necessary to preclude strangers from witnessing it divide, and when a division was called the Speaker ordered the Sergeant-at-Arms to clear the gallery; but in 1859 democracy gained a point and strangers were allowed the privilege of hearing Mr. Speaker direct the Ayes to take their seats on the right of the Chair and the Noes on the left. In 1866, however, when the Speaker's Chair from facing down the length of the hall was moved so as to face across the floor, it had a long bench opposite it, and only an imaginary line divided the right of the House from the left. The Standing Rules and Orders Committee, fearing complications—a member might easily have been cut in twain—recommended that the Speaker's library and the Clerk's offices should be used as lobbies;

but although the report was adopted and the arrangement of the House was not altered for some time, there is good reason for believing that lobbies after being given one trial were never again used in the Goede Hoop Lodge.

And so it came to pass that when members saw lobbies with tellers' boxes opening into the Debating Chamber in the new building they looked askance at one another. The rules sanctioned this method of dividing, but members did not like it. It was hinted that stock farmers objected to being counted in the same way as their sheep; but, be this as it may, the new lobbies were only twice used, and the doors leading into them from the House were shortly afterwards covered with oak panelling.

Whatever doubts there may have been as to the quality of the buildings, there were none as to the excellence of the members, except in respect of the growing number of lawyers—a section of the House that probably sacrificed more than any other in accepting election. It has ever been the lawyers' lot to be misunderstood in Parliament. In the reign of Edward III. "gentlemen of the long robe" were actually excluded from the House of Commons, and when they were admitted Pitt spoke of them as "the bloated spiders of Westminster Hall!" The old objection was that these gentlemen were inclined to pursue their own interests rather than those of the State, but the more modern view probably arose out of the

difficulty some lawyers found in distinguishing matters of public policy from matters of law.

In the Cape House it was much the same, and in 1886 we find Sir James Rose Innes, then a brilliant "legal" member, and now Chief Justice, complaining that the Colonial Secretary "talked like a lawyer." For his own part he vowed that he sloughed off his lawyer's skin before he left his chambers, and consigned his legal precedents and methods to his wig-box before he turned his face towards the Houses of Parliament. The lawyer, he contended, who did not *pro hac vice* cease to be a lawyer could not aspire to statesmanship.

Lawyers, moreover, would naturally excel in "laying down the law," and nobody dislikes being lectured more than a member of Parliament. Perhaps it was this feeling that stifled the picturesque practice of hearing counsel at the bar of the House in opposition to private bills. Four times the House suffered itself to be thus lectured. The Sergeant-at-Arms carried the mace beyond the bar, Mr. Speaker put on his three-cornered black hat, and counsel, wigged and gowned, held forth with invariable eloquence and skill. But as a rule members slipped out one by one to the tea room, and left poor counsel labouring away at empty benches. Only once did pleading at the bar produce a tangible result, and as the successful barrister was Mr. Advocate Rose Innes, his *obiter dictum* on the subject of lawyers in Parliament has added weight.

It is hard to say whether lawyer or layman was the Demosthenes of the House. Opinions on the subject vary, and as the standard of eloquence changed considerably during the existence of the Cape Parliament it is difficult to make comparisons. Porter and Upington, for instance, were products of different days, and consequently differed vastly in their style; yet who shall say that the one was greater than the other? In Porter's day an audience asked first that its ear should be pleased and then its mind; it adored an apt quotation and revelled in a drawn-out peroration full of flights and flourishes. Upington, on the other hand, lived at a time when appeal to reason was beginning to be the first requisite, and men, intolerant of affectation, took fright at flamboyant effects. Short speeches, rich in figurative language and historical allusion, delivered earnestly in a musical voice, however, were always the most impressive. Such were Mr. Merriman's speeches, of which his oration on women's suffrage in 1907 was a good example.

But if any attempt were made to catalogue all the speakers of the Cape House, Sir Gordon Sprigg's rhetoric, Saul Solomon's logic, Sauer's searing criticism, Sir Thomas Fuller's and Sir Bisset Berry's diction, and Sir Thomas Smartt's fluency would have to be mentioned, and still the list would be far—very far—from exhaustive, for, according to a magnanimous





HON. SIR THOMAS UPINGTON, K.C.M.G., Q.C. (1844 - 1898)

Mr. Porter, Mr. Merriman and Sir Thomas ranked as the three greatest orators in the House. With only a short interval, whilst a judge he sat continuously from 1878 until his death. He served in four Ministries and was once Premier.

From a drawing by W. H. Schröder in "Het Volksblad," 1883



assertion by Judge Cole, "we are all fluent speakers in this country."

As a matter of fact, however, some of the greatest statesmen the Cape produced were not great speakers. Rhodes' speeches were not polished, and J. H. Hofmeyr, the Maker of Ministries—who, by his skilful leadership of the Afrikaner Bond, changed the whole political complexion of the House after the general election of 1884—in spite of his careful choice of words, was always, in Mr. Sauer's words, "the most misunderstood public man in South Africa."

The truth is, of course, that the greatest thinkers are not always the greatest speakers. The man of few ideas who persistently hammers away at a subject from one angle will often make a better impression than the man with a flood of ideas who attacks the subject from every point of view.

And then there were the members who hardly spoke at all. Since the word "Parliament" is derived from the French "to talk" Parliamentary government is of course synonymous with government by discussion, and from the earliest days there were members who could talk for hours on end. T. H. Bowker in 1861 spoke on the Separation Bill for an hour on a Saturday night and took breath as Sunday drew near, only to continue from 2 p.m. until 7.20 p.m. on the following Monday. Utterly exhausted, he ended by saying that he would rather die on the floor of the House

than surrender his cause, but there were many who realised that even in Parliament silence is sometimes golden. Who in recent times will forget the self-enforced silence of Dr. Jameson during the whole of the 1900 session? Or the effect produced by certain members who spoke only when their acknowledged grasp of a subject warranted the attention of the entire House? Some were silent because they preferred to listen and to think, and others because they realised that debating in Parliament, where most are practised speakers, is a very different matter from speaking on a public platform.

One member in particular was so nervous that he is said never to have produced a single speech, although he made copious notes for several, and was a member for twenty years. Once he certainly rose and caught the Speaker's eye, but before the Speaker could call upon him he gasped, snatched up his notes and left the House! Better such a fate, nevertheless, than that of the "woodcutter" member, who spoke on woodcutters only and at all times, no matter what was under discussion; his grief was so painfully apparent when it was made clear by Speaker or Chairman that woodcutting was not a universal topic or a central problem around which higher politics revolved, and his foible was so easily the sport of those jesters with which the high court of Parliament always abounds.



HON. JAN HENDRIK HOFMEYR (born 1845, died 1909)  
"Onze Jan," by his leadership of the Bond, changed the whole political complexion of the House after the general election of 1883. He was a member from 1870 to 1895, and Minister without Portfolio in 1881. From a hitherto unpublished drawing by I. M. Solomon.



To be a Merry Andrew was, indeed, the secret ambition of many a member, and after Dr. Tancred died in 1866 there were several who sought and wore the cap and bells. Colonel Schermbrucker was a Bavarian by birth, had fought in the trenches of Sebastopol, was large of build, wise, and, when the House entered the new buildings, held Cabinet rank, but when freed from the responsibilities of office, he tried on the cap, and found it fitted. His wit was not nimble. His success in his new role lay rather in drollery and ponderous loquacity, which, combined with his knowledge of the rules of debate, made him at once a prince of obstructionists, the torment of Speakers and the idol of the gallery. With an eye on the gallery and his hand on his heart he vowed that he was the ardent admirer and champion of the fair sex, and in the same breath demanded that there was only one right for women: the right to contribute to the comfort of man. At a moment's notice he would gladly undertake to hold up the House for an afternoon. He angrily hurled back the "base insinuation that he was a fool and jester" and airily told a Minister to "shut up"—yet when he died of dropsy in 1904 he left no enemies. Would that all jesters might have that epitaph.

These were a few individual types that went to make up the House of Assembly, but it is not to individuals that we refer in speaking of "the House."

“The House” had an individuality of its own, and required no legal fiction to prove it a distinct entity. Out of the clash of political ideals, personal ambitions, and points of view there had early been evolved a collective personality that was a being apart from members, yet comprised them all, and reacted upon their personalities. “The House smiled” does not necessarily mean that every member smiled, any more than the familiar phrase, “This House is of opinion” means that every member is of the stated opinion. This probably applies to most representative assemblies, but it was particularly true of the Cape House.

That it was an essentially human “House” was apparent to all who saw it under varying conditions, and one illustration will be enough to show its depth of feeling. In 1898 the death of Sir Gordon Sprigg’s old friend, Sir Thomas Upington, was announced. The Premier, Mr. W. P. Schreiner, in moving a motion of condolence, made a fitting speech, and Mr. Merriman paid an eloquent and generous tribute to his old opponent; but it was Sir Gordon who accidentally showed the real feeling of the House. He, a champion who was accustomed to take as many hard knocks as he gave, who had been dubbed “the Apostle of Vigour,” rose slowly to his feet. “Mr. Speaker,” he began, in an uncertain voice, and again, “Mr. Speaker, I beg—to second—the motion.” He got no further.





RT. HON. SIR GORDON SPRIGG, P.C., G.C.M.G. (b. 1830, d. 1913)

"The Apostle of Vigour," who was for 36 years a member of the House. He served in six Ministries, and was four times Prime Minister.

From a portrait by W. Roworth, in the Union Houses of Parliament



For a moment he stood, and then, overcome with emotion, sank back into his seat. Eyes sought the pattern of the carpet, and to many the highly polished desk-tops seemed blurred. A hoarse sob broke the absolute stillness, and once more there was silence, until Major Tamplin rose to the occasion and spoke manfully "on behalf of the Bar." Sir Gordon was not given to joking; but the next day he joked, and the House laughed—a laugh that was sadder to hear than the gayest air played by a band after military funeral.

Nor does the illustration end here, for when, ten years later, after being absent from the House for several years, Sir Gordon, bent with age, reappeared and made a speech that betrayed only too plainly how weak his mind had grown, the House cheered encouragingly, and Mr. Sauer voiced the pleasure with which it had listened. And when still later Sir Gordon passed away, those who had been with him in the days of his strength overlooked the shortcomings time had produced, and remembered only the strong man, who, through Gurney's reporting staff, had fought his way from a shipbuilder's yard until he himself, covered with honours, had four times steered the Ship of State.

Complaints were sometimes made that the House had grown stiff and formal since it had occupied the new buildings, but as a matter of fact, it was always

homely in regard to its own affairs. Only in such a House would the Speaker have continued to read from the Chair letters inviting members to luncheons, dinners, dances, sea-trips, and similar frivolities, and only such a House would have paid the attention it did to these matters. As late as 1897 we find that it so enjoyed a short voyage on the flagship at Simon's Bay that it actually passed a vote of thanks to Rear-Admiral Sir Harry Rawson for his invitation and courtesy. And so pleased was Sir Harry with the coveted distinction that during the next session he invited the House to another trip, and added a luncheon and an exhibition of torpedo and gun-firing. The House promptly accepted the invitation, and adjourned for the whole sitting day!

In matters sartorial the House was even less formal than it had been in the Goede Hoop Lodge. R. W. Murray tells us that Rawson W. Rawson, Colonial Secretary during the first Cape Parliament, for several sessions attended the House in his official dress of blue and silver, with glittering buttons, silver-lace cuffs, and silver-lace collar, and for many years it was the fashion for members to wear their best-go-to-meetings as an outward and visible sign of respectability. But at about the time the House changed its quarters it also changed its tailor, Mr. Rhodes remarking that he believed he could legislate as well in a suit of Oxford tweeds as in anything else. The change was



RT. HON. C. J. RHODES, P.C., D.C.L. (1853 - 1902)  
Mr. Rhodes was twice Premier and represented Barkly West from  
1880 until his death.

'Dreamer devout, by vision led  
Beyond our guess or reach,  
The travail of his spirit bred  
Cities in place of speech.'

—*Kipling.*

From TWELVE PORTRAITS by William Nicholson London—Heinemann



not instantaneous, and during the ninth Parliament (1894-1898) a large number of members were still to be seen wearing their silk hats while sitting in the House, but frock coats were gradually put away by members for opening ceremonies and by the Treasurer for budget-speech day, until, by and by, there came a time when it was not considered a breach of etiquette for legislators to discard their waistcoats on a hot summer's day.

Were further proof required of this having been a human House, one had only to hear it laugh. It laughed heartily, although there was really nothing much to laugh at, and incidentally supported the theory that the mainsprings of laughter are incongruity and surprise. When Mr. Rose Innes, one of its most esteemed and learned members, unconsciously placed on his head a silk hat to which a gigantic official envelope adhered, the House shouted with laughter; whenever the electric light failed at night the House tittered at the expense of the member speaking in the dark, and the member himself would stop, giggle, begin again, and sit down amidst “loud laughter”; and when Sir Pieter Faure suggested that certain members would benefit their health by a trip to Robben Island, the veracious reporter once more recorded, in parenthesis, “loud laughter.”

But by far the greatest characteristics of the House were its decorum and constant endeavour to act up

to its title of "honourable." If ever the House responded as one man, it was on this question. Loose charges of corruption were strongly deprecated, and he was a brave man or a fool who would lightly impute improper motives to the Cape Legislature. In 1888 a hue and cry was raised over a newspaper article which appeared to reflect on the integrity of members of a Select Committee, and the House as with one voice denounced the imputation; while in 1898, when a young and inexperienced member in a rash moment charged another member with improperly influencing a Select Committee, the House was so disgusted with the flimsy grounds for his accusation that it ordered the entries in the Journals to be expunged.

An important ruling showing how closely the House guarded its honour was given four years later. The conduct of certain members of Parliament had been impugned on account of alleged irregularities of the political party (the Afrikaner Bond) to which they belonged. As was usual in such circumstances, members of the party at once pressed for an enquiry to clear their honour, and on a question being raised as to the competency of the House to deal with a matter which might be contested in a court of law, Mr. Speaker Berry ruled that where the honour of members of the House was at stake the House reserved to itself the right to deal fully with the question.

It might be expected from these precedents that



the House would be so anxious to place the purity of its proceedings beyond suspicion that it would welcome an Act that would remove a possibility of a member's honour being impugned. On the contrary, it seems that a number of members resented the very suggestion that there could be such a possibility, and when a bill was introduced in 1897 to debar members from being Government contractors, one member stated “that such legislation was uncalled for, and was an undue reflection upon the integrity of members of Parliament, and also upon the people who sent them there. Members were altogether above any suspicion of corruption.” Although passed by the Council, it was found impossible to push the bill through the House of Assembly, and in the matter of contracts our legislators consequently remain freer to this day than members at Westminster.

Had these been all its characteristics the Cape House might have been one of those visionary assemblies of which a harassed Speaker might dream during the recess. But being a human House and no vision, it had its faults like ordinary mortals. Let it be admitted at once that with age it became quick-tempered.

It was always the custom, as Sir Edgar Walton once remarked, “for both sides of the House to extend the utmost courtesy to new members,” and chivalrously to refrain from taking an unfair advantage of those who could not be present to defend themselves, but

in times of suppressed excitement an aggravating laugh, a supercilious smile, a jibe, or a saucy retort, and swords, had they been allowed in the Chamber, would have leapt from their scabbards. This is no exaggeration, and accounts for the practice which prevented Mr. Rothman from entering the House with an umbrella, and Sir Thomas Upington with a stick, to lean their frail bodies upon, without having first obtained leave.

As it was, blood was only spilled upon the floor of the House by accident. In 1892 Colonel Schermbrucker, after remarking in the course of a speech that "there seemed to be a certain spirit aroused which made the most ordinary action a matter of the deepest pain," suited the action to the word by knocking a glass of water over the leader of the Opposition and badly cutting his own hand. Schermbrucker, being a gallant soldier, continued his speech with an angry exclamation and undiminished gesticulations, and it was only at the Speaker's urgent request that he suffered his bleeding hand to be bandaged.

Deeds of violence, such as a disgraceful bout of fisticuffs that once took place in the passage of the Goede Hoop Lodge, were fortunately almost unheard of, but words of heat were common enough.

Now the somewhat bewildering rules of procedure are, after all, simple in their aim, for, while protecting the minority against the majority, they have for the

most part the same objects as the rules which individuals consciously or subconsciously observe in coming to a fixed resolve without undue haste, and in speaking and behaving with propriety.

The unwritten rules of good behaviour were simply the code of gentlemen, but some of those which appeared among the Standing Orders are worth examining. First of all, by a rule adopted in 1854, the House attempted to discourage improper language by placing the offender in a Parliamentary pillory and exposing him to public obloquy. "All imputations of improper motives," read the rule, "shall be considered as highly disorderly; and such conduct shall be minuted in the Journals if it shall appear to a majority of the House to be necessary."

This rule continued in force until 1883, when the mere minuting of improper behaviour was deemed inadequate, and was superseded by a House of Commons rule that had been designed in the good old days to prevent duelling by demanding what amounted to an immediate public apology from the delinquent. Duelling, however, had grown out of date when the rule was adopted in the Cape. Members rarely carried their quarrels outside the Debating Chamber itself; besides which, "sending a challenge to fight to a member" became an offence punishable by fine and fee under the Powers and Privileges of Parliament Act of 1883.

What was wanted was a quick method of preventing scenes and checking words of heat as they arose. The House of Commons rule which had been adopted was, however, cumbersome and circumscribed. Objection had to be taken immediately the offensive words were used—not an instant later—and, on motion made, the Speaker or Chairman, if he thought the occasion warranted it, ordered the Clerk to take down the words, and the Speaker ordered their withdrawal if he considered them unparliamentary. Debate was not only allowed as to whether the words should be taken down but, after this had been agreed to, further discussion was allowed as to whether the words taken down were those actually used, and in the Cape it happened once at least that members' memories were so at variance that no decision was arrived at, and a great deal of time was wasted in angry argument.

The rule has now become a dead letter in the House of Commons, and was formally applied on only five occasions in the Cape, but from these it will be seen how exacting the House always was.

On the first occasion (1886) Mr. Merriman objected to the imputation contained in the statement that he was expected to “reply to the specific charges made . . . as to what became of the ten thousand pounds given by a certain company to secure the passing of a certain bill.”

In 1888 Sir Thomas Upington, Attorney-General,

objected to the statement "that he held a brief for the other side."

In 1890 Sir Thomas Upington, again, objected to the statement "that he would vote against anything, even if originally introduced by himself, in case it were supported by Mr. Sauer," then Colonial Secretary.

In 1899 Mr. Sampson objected to it being said "that he made a false statement in the House, being in the employ of De Beers' Company."

And in 1902 Mr. Merriman objected to the accusation "that he did not condemn men in the Intelligence Department of the enemy with whom he was cheek by jowl, day by day, in Cape Town."

On each of these occasions the words were withdrawn after more or less commotion; but after 1902 the Speaker, when appealed to at the proper time found it far more efficacious to demand a withdrawal less formally. Sometimes he would invite an expression of regret in the guise of a personal explanation and sometimes when not appealed to he even found it advisable to be a little deaf. Did he hear Sir James Sivewright declare that he was sick of a certain member's drivel? Did he hear a certain member, after being continually interrupted on points of order, exclaim to his tormentor, "Oh, sit down, you damn fool"? Or did he hear Colonel Schermbrucker say to a Minister, "If there is any fool in the House, it is you"? The records are silent.

During the period of stress and storm from 1899 to 1902, when shots echoed across the veld, many epithets were exchanged in wordy warfare that it would have been futile to try to check; but this much was ever clear, that the Speaker was constantly on the alert to protect a member's personal honour and the proceedings of the House from attack, a task in which he was always aided by members scrupulously observing the unwritten rule that the word of a member is the word of a gentleman, and must be accepted without dispute.

This rule for "taking down words," like another which became obsolete, was never discarded. A rule to enforce the attendance of members by a "call of the House," which Hatsell in the eighteenth century regarded as a relic of the dark ages, was adopted in 1854. Moved only four times, it was either defeated or withdrawn, and was never invoked while the House sat in the new buildings. Yet it appeared in each edition\* of the Standing Rules and Orders.

Herein lay a further characteristic of the House: its conservatism, no matter what political party held the reins of government. Rules that emerged from the mists of antiquity, fashioned from experience,

\* The original rules printed in 1854 were reprinted in 1861, together with a few additions that had been made and some House of Commons rules that applied to the Cape House; in 1864 the Cape rules were again reprinted, and it was not until 1883 that they were *revised*. In 1896 they were reprinted with a few more additions; in 1900 they were again *revised*, and in 1906 the last edition of the rules was printed with slight alterations.



THE COLONEL BLOWS HIS OWN TRUMPET.

COL. THE HON. F. SCHERMBRUCKER (b. 1826, d. 1904)

In early life he distinguished himself as a free lance in politics and a brave soldier. He was a member of the House in 1868, of the Legislative Council from 1882 to 1888 and again of the House of Assembly from 1889 until his death. He was an adroit speaker with a fund of good humour (see p. 69).

From a caricature by W. H. Schroder in "The Cape Lantern," 1887.





tempered with cold calculation and tested by practice, were particularly venerated, and when a change was suggested, the necessity for the change rather than the utility of the new rule had first to be proved. Thus when in 1889 it was proposed that there should be a committee of selection to nominate the members of select committees, the motion was negatived, and when in 1895 it was proposed that proceedings on public bills should not be terminated by prorogation, the motion met the same fate. Yet both of these rules might have been useful, as their recent adoption by the Union House has shown.

Stability of procedure was always the watchword. "It is almost better that the law of Parliament should be certain than that it should be sound," William Porter had once remarked, and for the tradition that prevented unnecessary tinkering with the rules members had much to be thankful, since even the best of them sometimes showed that, stable as the procedure was, they had some difficulty in remembering it. So old a Parliamentary hand as Mr. Sauer (who, in 1896, was whispered to be a candidate for the Chair) once insisted that he had a perfect right to "name" a member for disorder—that dreaded right which is vested in the Speaker alone; and even Sir Gordon Sprigg so far forgot that "the House" was just as much an individual as himself, as to move that "This House agrees *by a majority*" to a certain course of

action, and, what is more, the motion was adopted by the House!

Another old rule to which the Cape House rarely had recourse related to the exclusion from its precincts of all and sundry who were not members. Centuries ago Elsygne, the Clerk of the House of Commons in the Long Parliament, who resigned before Cromwell carried off the mace, wrote on the exclusion of strangers that "the House often runs into great heats on this subject," and added that "it is a necessary but unpleasant part of the Speaker's duty to determine whether individual applications for admission come within the customary exceptions."

The Cape House seldom ran "into great heats on this subject"; but in 1888 there was a notable exception. A certain newspaper in Cape Town had long nursed a grievance against the officials of the House, and freely indulged in gibes and jeers at their expense. When Mr. Sauer accidentally brushed off the Clerk's (Mr. Noble's) wig, this newspaper went into ecstasies of delight and chuckled in print. It was for ever teasing the Speaker, and towards the end of the session took full advantage of an unfortunate escapade of one of its journalists.

The journalist, while in the Press gallery behind the Speaker's Chair, espied a friend sitting in the Speaker's gallery at the opposite end of the House, and with the coolest effrontery in the world broke

every rule of the Press gallery by calmly strolling through the side galleries—private secretaries, heads of departments, distinguished strangers, and Government House—in full view of the House, in order that he might have a chat with him!

A messenger was sent in pursuit, and a policeman told to turn him out in case of trouble. The journalist was furious. "Whose House is it?" he screamed (again in print) almost every day during the following week. Was not a member of the Press gallery as good as a member of the House? Who were the flunkeys who dared tell him where his proper place was? How came it that the Speaker only could issue tickets?—and a hundred other questions. A few members backed up his complaint in the House, and the matter was referred to the Select Committee on Internal Arrangements; but all this pother had only the effect of placing a room at the disposal of the Press gallery, in which the members of the "Fourth Estate" might make themselves tea and transcribe their notes—and this on the suggestion mildly made by another journal!

Speaker and Clerk were so viciously lampooned for what, at the worst, was only a crude application of a time-honoured rule, that it is rather a pity that the following verses, from a long manuscript poem sent by an anonymous author to the Clerk of the House, are only now published. The verses are addressed to the journalist who caused the commotion:—

And think, although you may be somewhat late,  
That you, a "member of the Fourth Estate,"  
Were best employed in backing up the laws  
Than breaking them yourself—without a cause,  
Attacking those who with an easy grace  
Just push you back into your proper place.

Don't enter where you have no right to be,  
No stranger you, but an habituee  
And un-"distinguished" but for idle "gas,"  
Which only helps to show you are an as-  
Sailant to wholesome rules by wise men made  
Not to be broken, but to be obeyed.

As to the work of the House, most people know that for many years country members were paid for ninety days' absence from home and that it was not often that they were away for a longer period. In the Goede Hoop Lodge, however, when country members were paid for only fifty days and local members were not paid at all, sessions often lasted longer than three months, and once (in 1865) extended to five and a half months. After responsible government was granted in 1872 there was a noticeable drop in the length of the sessions, but once the House settled down it always worked in earnest. Private members had far more initiative than the pressure of Government work allows them now, and notwithstanding the constitutional principle that Ministers should be

responsible for the good government of the country, the tendency for private members to introduce public bills was, if anything, on the increase in the later days of the Cape House. The "Innes" Liquor Act, the "Beck" Election Act and the "Juta" Irrigation Act are among the well-known statutes introduced by private members, and one member (Mr. Jagger) alone introduced as many as six public bills in five years and succeeded in passing half of them.

No doubt it was the small amount of time specifically allotted to the Government under the rules that accounted for the artistry of the Order Paper. So as to get the greatest amount of work done in the shortest time, days were as carefully planned out as a traveller maps his course. In consultation with the Clerk of the House the Prime Minister would daily plot to pass his measures by dangling a "plum" just within, or sometimes just beyond, the reach of members. The plum was some subject which the House was anxious to handle, and the path which led to it lay over thorny little questions that the Government wanted to see out of the way. And thus it often came about that members with pockets bulging with notes for the big affair actively helped to clear the Paper.

Yet even this House was sometimes justly accused of hasty legislation. There was, for instance, the remarkable case in 1894 when the Paarl Tramways

Private Bill was hurried through its stages at such a pace that only after it had been passed by both Houses was it discovered that a clause imposing a penalty had not had the amount of the penalty filled in. Fortunately the mistake was found before the Governor had given his assent to the measure. It happened in the last week of the session, but there was just time for the Governor to exercise his right of returning the Bill with the necessary amendment, and to have it adopted before Parliament was prorogued. The Speaker (Sir David Tennant) was much perturbed at the slur cast on the House, and spoke his mind freely, but this did not prevent several other bills from being passed in a hurry or similar lapses from occurring.

From being the official masters of the House before responsible government was introduced, the Government, after the introduction of the system in 1872, became, in theory, only the agents of Parliament, but virtually they remained the masters — with this difference: that being no longer permanent officials they depended for their existence on the confidence placed in their proposals. It is true that in the Cape, even after responsible government was granted, it was not necessary for a Minister to be a member of Parliament. Mr. Stockenstrom and Sir Richard Solomon were Attorneys-General for a short time without having seats in either House, just as Mr.

Gladstone was once Secretary of State without being a member of Parliament. But such a position was recognised as unsound, and when it came to passing a contentious measure Ministers became at times only too glad to regard themselves as ordinary members of the House, if the House would let them, pleading that this or that was really a matter for Parliament to decide.

Thus Sir Gordon Sprigg in 1890, when Prime Minister, introduced a railway scheme involving over seven and a half millions, and submitted to several defeats on the various items before the House made it clear that the Government must hold definite opinions on such important matters of policy, and must stand or fall by its opinions. Sir Gordon Sprigg resigned and Rhodes took office, but in 1898 there was a far more extraordinary case.

After the general election in 1898 Sir Gordon Sprigg, once more Prime Minister, finding his party, returned by some fifty thousand electors, practically equal to the Opposition, which was returned by only thirty-five thousand electors, decided to bring in a bill to provide for a more proportionate representation. This he did on the second day of the ensuing session, but before he got any further with the bill he was defeated on a motion of no confidence, and Mr. Schreiner took office. Now Mr. Schreiner maintained that numbers were of little significance and held,

with Pliny, that it was the ownership of land that counted. "Look at the land that we on the Government side represent," he exclaimed, and then proposed that Sprigg's bill should be shelved and the whole matter gone into during the recess.

The debate waxed warm, and the two parties being almost evenly matched, a deadlock arose. What was to be done? Mr. D. C. de Waal, a Bondsman and a supporter of the Government, fearing that a very desirable Railway Bill before the House would be dropped if the deadlock continued, took a course which was as singular as it is difficult to reconcile with the principles of responsible government. He moved that a suggestion thrown out by Mr. Rhodes early in the debate should be formally endorsed by the House: that the Premier (Mr. Schreiner) and the leader of the Opposition (Sir Gordon Sprigg), together with a few members to be nominated by them should form a conference to devise a compromise. The move was made with dramatic suddenness, the party whips cracked, and Ministers at once gathered together in an impromptu Cabinet meeting, while one of them scoured the buildings to see what damage had been done. Mr. Schreiner admitted frankly to the House that he did not like the proposal—it was not practical politics for one thing—and if it were agreed to he would have to "consider the position." Mr. Theron, the President of the Bond, and Sir Frederic de Waal,



then the Secretary, strongly opposed the motion, but the adverse vote of one member of the party was enough to nullify the Government majority.

On Friday, the 4th of November, 1898, the House came to a division. Every member was present, and when the tellers handed in their division lists, Mr. Speaker Berry announced that thirty-nine were for the conference and thirty-nine against, and that to keep the question open he would give his casting vote for the conference. The Opposition cheered loud and long at their victory, and shortly afterwards the House adjourned. The Government used the week-end in which to ruminate, and when the House re-assembled on the Monday, Mr. Schreiner was able to say that he had, as promised, "considered the position," and had decided to appoint the conference.

It was a conference unique in the history of responsible government, to be sure, but the result was satisfactory to both parties. Mr. Schreiner, Mr. Sauer and Dr. te Water, for the Government, and Sir Gordon Sprigg, Mr. Rhodes and Sir James Rose Innes for the Opposition, hammered out a compromise. The old bill was withdrawn, and a new one introduced and passed.

In England, where Ministries as a rule resign after defeats of any political significance, the authority of Parliament over the Government is implied more clearly than in the colonies where, owing to the

comparatively small legislatures, defeats are more likely to occur from the defection of a few members. Until 1868 it was even considered necessary in England for a Government defeated at the polls to admit its subservience by finally accepting defeat in Parliament.

Twice a semblance of this old doctrine found its way into the Parliamentary history of the Cape, but on both occasions it was uncertain whether the Government had actually been beaten at the polls. The first instance was rather curious. Scanlen was Prime Minister and accepted defeat in 1884 over so small a thing as a "bug"—an insect pest that had made its appearance in the Colony—although the real cause of defeat was a notice of motion given by the Premier the previous day, in which it was proposed to cut off certain portions of the Transkeian Territories from the Cape; while the second instance was Sprigg's defeat by Schreiner after the general election of 1898.

Altogether twelve Ministries sought the confidence of the Cape Parliament; all were its virtual masters and all felt its lash. High hopes had been entertained for its success, and when the end came with the advent of Union, Mr. Merriman, the last Premier, was able to proclaim with a clear conscience that these hopes had not been in vain.

Its legislation had been liberal, and its control of finance had never flagged; its character was undefiled



DEBATING CHAMBER, HOUSE OF ASSEMBLY. 1910.

On the Speaker's right Mr. Merriman and several members of his Ministry may be distinguished.

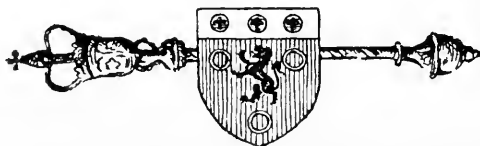
From a photograph by E. Peters ("Hood's Studio"), Cape Town.



and its little faults had only endeared it to members. In it men had "found their own level," had loved and hated, had bitten the dust or achieved renown. Some had learned for the first time how to take defeat with a smile and hope to win another day. Historical friendships had been formed and Death had claimed its toll. Hence there was a note of sadness rather than of boastfulness in the valedictory speeches made when Parliament broke up on the 9th of April, 1910. "I do think," said Mr. Merriman, who had done as much for the House during the second half of its existence as William Porter had done during the first half—"I do think that we may be proud of the character that this Cape Parliament has obtained. We have had many years of stress and strain, but we have had no unseemly scenes, and there has not been the slightest reflection on the purity of the House in any degree. . . . I hope that those of us who are fortunate enough to obtain seats in the Union Parliament will carry into it the high traditions of the Parliament which is now breaking up, and by so doing build up the future character of the Parliament of South Africa."

Much of the lustre that was shed by the Old Cape House was undoubtedly due to the brilliancy of some of its members—of whom only a few have been mentioned—the soundness of its rules, and the influence of a clean Executive Government. But experience in

other Parliaments has shown that under one Speaker the same House may be at least as orderly as it was disorderly under another, and if one seeks for an explanation of all that "the Old Cape House" came to mean it is principally to its own Speakers that one must turn.



## **The Speakers of the Cape House.**





I.

The  
Honourable  
Sir Christoffel  
Brand, Kt.,  
D.C.L., LL.D.  
1854-1874.







HON. SIR CHRISTOFFEL BRAND, D.C.L., LL.D.

Speaker of the House of Assembly, 1854-1874.

Drawn from photographs.

I.

The Hon. Sir Christoffel Brand,

Kt., D.C.L., LL.D.

1854—1874.

TO us who live in the turmoil of the twentieth century it is a far cry to the days when Captain Cook, in the reign of King George the Third, ploughed the seas to Australia by way of the Cape. Yet the grandfather of the first Speaker of the House of Assembly (of whom many South Africans still have a personal recollection) was a great friend of this illustrious captain, and we learn from an old number of the *Cape Monthly Magazine* that on the visit of the last expedition to Simon's Bay on its way home after Captain Cook had met his death, Mr. Brand, then the Resident at Simonstown, was much affected at the sight of the ships returning without their old commander.

Old Mr. Brand, who was still Resident in 1795 when the English fleet arrived in Simon's Bay to take possession of the Colony on behalf of the Prince of Orange, received and passed on nearly all the communications leading up to the landing of General Craig and the fight at Muizenberg. The Colony changed hands,

but he remembered his friends, and when his grandson, the future Speaker, was born at Simonstown on the 21st of June, 1797, it was on account of a lasting affection for Sir Joseph Banks, the naturalist who accompanied Captain Cook, that Christoffel Joseph Brand was given his second Christian name.

Like his father, Mr. J. H. Brand, who was appointed a member of the old Court of Justice, Christoffel soon manifested a leaning towards the study of law, and on leaving school, at the age of sixteen, he entered the office of a well-known Cape Town attorney, Mr. J. S. Merrington. Two years afterwards he proceeded to the University of Leyden, where he took his degree of Doctor of Civil Law and also that of Doctor in Literature. His thesis for the former degree was entitled *De Jure Coloniarum*, and so boldly demanded a more responsible position for the colonies that it is not surprising to find that on his return to the Cape at the age of twenty-four he intimately associated himself with the leading questions of the day. He identified himself with the Press, and, through the columns of the *Zuid Afrikaan*, became the vehement opponent of the Government and a keen antagonist to Mr. John Fairbairn, then the leader of the Press, until events connected with the anti-convict agitation and the movement for representative government led to a partial reconciliation.

But Mr. Brand did not neglect the career upon

which he had originally embarked. Gifted with a retentive memory and studying law, "not as a man does who regards it only as a means of his own livelihood but as a student who loves his subject for its own sake," he by degrees built up a great reputation for himself as a profound lawyer and a fearless advocate. He was more than once offered a seat on the Bench, but fearing the possibility of having to don the black cap on the finding of an incompetent jury, never accepted it.

In 1850 he was appointed a member of the Legislative Council, but resigned a few days later, when it was stated by the Government that the Council would be required to consider several matters besides the draft of the new constitution then before it. And when the constitution came into force three years later and elections were held for the first Parliament in the Cape Mr. Brand, who was by that time at the head of his profession, was, without a contest, elected a member of the House of Assembly for Stellenbosch.

The House met in the Banqueting Hall of the Goede Hoop Lodge on the 30th of June, 1854, and it was at once evident that the choice of Speaker lay between Mr. Brand and his old rival, Mr. Fairbairn. Mr. Barry moved that "Mr. John Fairbairn do take the Chair of this House as Speaker," while Mr. Meintjes, seconded by Mr. C. A. Fairbridge, moved that "Mr. Christoffel Joseph Brand do take the

Chair of this House as Speaker." Mr. Fairbairn could not have expected much support from the Eastern Party, and when both candidates had addressed the House and retired, the first motion was put and negatived by twenty-four votes to nineteen. On the other motion being put, the voting was reversed, and Mr. Brand was declared elected by a majority of five. "Mr. Brand," the Journals state, "was then conducted to the Chair by his mover and seconder and, having expressed his humble acknowledgments to the House, took the Chair."

Mr. Fairbairn, be it said, was the first to congratulate the Speaker and the House upon its choice. He bore his rival no grudge, and at the end of the session, in true parliamentary spirit, took the opportunity of formally moving "That this House cannot separate without expressing the obligation the members feel themselves under to the Speaker of this House for his judicious, able, patient, and courteous conduct during the session."

At this time Mr. Brand lived in Boom Street (now called Commercial Street), which at one time had been a fashionable quarter of Cape Town, and one can picture him, a short man in antiquated surtout and stock, sitting on the high stoep placidly helping himself to liberal pinches of snuff while receiving the congratulations of his friends. House and stoep have since disappeared. They have made way for a modern



cabinet factory and the typical Dutch buildings of his neighbours, shorn of their surroundings and sadly neglected have, for the most part, been converted into registered boarding-houses for the coloured community! Mr. Brand never lived long in one house, but much of his time was spent in his chambers (one of the rooms now occupied by the Police Court) in Wale Street, for, although he bestowed incessant care on his work in the House during the session, like Thomas Richardson, a Speaker in the reign of James the First, he continued to practise as a barrister.

For several reasons his term of office was fraught with singular difficulties. He had to bear the brunt of his political utterances prior to his election, he was without Cape precedents to guide him, and there were many members who little realised their responsibilities. Strength of character, however, coupled with the advantages derived from his legal training and knowledge of constitutional law, enabled him from the outset to exhibit a sound conception of the functions of his office. Occasionally he would correspond with Sir Erskine May on points of procedure and assimilating the practice of the House of Commons by methodically entering excerpts from standard works of reference in note books kept for that purpose he was able to enforce his authority in a manner which surprised many of his intimate friends.

Thus in 1855, when the House was in Committee

on the Report of the Select Committee on the Burgher Force Bill, Dr. Tancred having "made himself guilty of interruption in the due proceedings of the Committee and of improper and disorderly conduct and disobedience to the decision of the Chairman," Mr. Speaker did not hesitate to save the dignity of the House by acting on the precedents established in the House of Commons on one or two rare occasions. He immediately resumed the Chair, called the attention of Dr. Tancred to the charges preferred against him, and told him that if he desired to explain he might do so in his place, but if he intended to answer the charges brought against him he should do so at the bar of the House.

Dr. Tancred said he thought he would like to explain; but he did so in such a manner that the Speaker again called him to order, and rising from his seat, pointed out to Dr. Tancred in particular and the House in general the error of their ways. "Let not the members of this House forget," he said in measured terms, "that we are here assembled for the good of the country. On the subjects which are submitted for our consideration various opinions are entertained, and strongly too; but if a majority have come to a certain decision, let the minority submit." Dr. Tancred thereupon promised to behave himself better in future, but no sooner had he been forgiven and the committee was once more at work, than he forgot all his good intentions and made things so lively

that the Chairman declared he could no longer go on with the business and the Speaker once more took the Chair. The jovial doctor was placed at the bar of the House, and after he had made a statement was marched off by the Sergeant-at-Arms only to be brought back and once more forgiven on the same day upon his stating that if he had given offence it was quite unintentional and he regretted it.

The firm attitude taken up by the Speaker on all such occasions\* was greatly appreciated by the House, and at the close of the first Parliament, in 1858, Mr. Fairbairn again took the opportunity to place on record the high sense it entertained of the "faithful, judicious, firm and temperate conduct of Mr. Speaker and of the indefatigable devotion of his talents and learning to the regulation of its proceedings and of the uniform courtesy which he has manifested towards the members of this House." The motion reflected the feeling of the House, and was carried by acclamation—all the members rising.

At the meeting of the second Parliament on the 16th of March, 1859, Mr. Brand was unanimously re-elected Speaker of the House of Assembly. Amongst other important work transacted by this Parliament the motion in favour of responsible government attracted

\* During a scene of great excitement on Molteno's motion for Responsible Government on 4th June, 1863, Sir Christoffel Brand declared the sitting suspended until 8 p.m. and left the Chair. At the request of Mr. Walter, however, he resumed the Chair and the debate was formally adjourned.

a good deal of attention and gave rise to a rather amusing incident.

The motion was down for Tuesday, the 22nd of May, 1860, and the Speaker's gallery, such as it was in the Goede Hoop Lodge, was filled with ladies, while the public gallery was overflowing. The occasion was regarded with particular solemnity, and the Speaker after reading prayers, exhorted all who were to engage in the coming struggle to remember the rules and not to do anything out of time or place. Suddenly there was a rat-a-tat-tat on the green baize screen which divided the House from the public, and Mr. Josias Rivers, the Governor's Aide-de-Camp, dashed up to the Table without the slightest announcement to deliver a message on the contemplated visit of His Royal Highness Prince Alfred. The Speaker was aghast. "Mr. Speaker," say the Journals, "called the Sergeant-at-Arms to the Table, and directed him if in future a messenger come to the House, to inform him that he is desired on his entrance to the House to observe towards the House due obeisance, according to the Rules of the House;" "and the Sergeant," was the less sober comment of the *Aigus* a few days later, "placed his hand on his sword-handle and looked as if he would just like to see that white choker and silk facings try it on again!"

About two months after this incident the Colonial Aide-de-Camp brought over to the House a message

which more nearly affected the Speaker. It was to say that it was the intention of his Grace the Duke of Newcastle to recommend Mr. C. J. Brand to Her Majesty for the dignity of knighthood by letters patent ; and on the next day, the last of that session, the House recommended that the fees attendant on the issue of the letters patent should be met out of the public revenue. Mr. Speaker, so doughty on other occasions, was deeply touched by this graceful act, and could only say : " The House will allow me to express to the House my humble thanks."

But the Speaker's path was not strewn with roses, and his words were not idle when on being re-elected in 1859 he had appealed to members for their full confidence and co-operation. For the part he had played in politics before his election had been important and there was always a sprinkling of members who were inclined to attribute his actions to political motives. It should be remembered, too, that in those days the issues before the country were far less complicated than they are to-day, and underlying all was the provincial question of East *versus* West. With few exceptions members dropped automatically into the one camp or the other. The Speaker scrupulously avoided coming into contact with either of the parties, but he did not escape criticism. His casting vote was consequently an unending source of trouble, and on at least one occasion necessitated a long ex-

planation to the House. On the 15th of July, 1862, a thin House could not make up its mind whether it truly represented the country, and whether or no the Governor should be requested by address to dissolve Parliament in order to take the sense of the country on certain questions.

Thirteen—that unlucky number!—were of one opinion, and thirteen of the other. The Speaker gave his casting vote for the address, and the fat was in the fire. He explained his reasons at the time, but this was not enough. The resolution was shortly afterwards rescinded by twenty votes to fifteen, and both in and out of the House unpleasant things were said. The Speaker's feelings, although well hidden by his mask-like face, were known to lie with a certain section of the House, and with that section he had given his vote; and gossips out of doors pointed to the fact that the Speaker's son, Mr. (afterwards President) J. H. Brand, had also voted for the address.

So, before beginning the business of the next day, the Speaker entered into a lengthy exposition of the grounds upon which he gave his casting vote, and warmly disclaimed having been influenced in his decision by any desire to further the objects of any clique or party, and after defending the vote on legal and constitutional grounds he added for the information of the gossips that he and his son never discussed

matters connected with their parliamentary or professional work.

The leaders of the House were quick to reassure its venerable Speaker that he was above suspicion, and that he had done more for the House than they could possibly say, but on his re-election for the third time, at Grahamstown, in 1864, he once more emphasised how necessary it was for him to have the unbounded confidence of the entire House.

In that same year (1864), however, there took place what was probably the most unpleasant incident in his career—an incident which grew out of all proportion to its importance and even threatened to undermine that confidence he had sacrificed so much to earn.

The whole matter began by two members, Mr. Chabaud, that “hairbrained, mad-cap, excitable fellow,” and Mr. Aspeling betting at a Grahamstown club table one Friday evening. Mr. Chabaud for some unearthly reason wagered that at three o'clock on the following Monday afternoon he would no longer be a member. Aspeling having accepted the bet Chabaud straightway wrote a letter of resignation to the Speaker, handed it to a messenger and then straightway changed his mind. But the letter had by this time reached the Speaker, who was dining not far off. Now it happened that the Speaker, as he afterwards stated, was not well, and was on the

point of going to bed, so after glancing cursorily at the letter he gave it to Mr. Neethling, who was dining with him, and remarking that it looked as if Mr. Chabaud was going to resign, asked Mr. Neethling to show it to Mr. Molteno. With the letter once more in his possession the Speaker then went to bed and half an hour later Mr. Molteno called on him and said he was authorised by Mr. Chabaud to ask that it might be returned.

The Speaker handed the letter back, and when the House met at two o'clock the next day stated the facts. The Constitution Ordinance provided, however, that "it shall be lawful for any member of the House, by writing under his hand addressed to the Speaker of the House of Assembly, to resign his seat; and upon such resignation the seat of such member shall become vacant." Then arose a conundrum: When is a member not a member? Had Mr. Chabaud the right to withdraw his resignation once it had been sent to the Speaker?

A Select Committee was appointed to find the answer, but after sitting for four days and cross-examining the Speaker, the President and the Attorney-General, as well as others who were concerned, it could only report that it was unable to solve the riddle or even express an opinion.

The report was considered on the 28th of June, and Mr. Scanlen moved that it was not in the discretion



of the House to reinstate Mr. Chabaud. But matters had now taken a new turn, and the Speaker's conduct was seriously criticised. Mr. Solomon, ever the Speaker's champion, tried his utmost to keep the debate within its proper limits, but many hard things were said against the veteran in the Chair. At last the House divided, and it was found that nineteen were for the motion and nineteen against, so that once more the Speaker was called upon to give his casting vote. He carried out the painful duty with the utmost fearlessness. He saw no means of keeping the question open and so, according to the rules—not rules of the House, but rules of action which Speakers usually adopt—he gave his honest and conscientious personal opinion, which was with the "Noes." Shortly after the decision had been given Mr. Chabaud resumed his seat amidst the cheers of a few of the Western members.

But in reality things had gone from bad to worse, and two days later Mr. Painter, seconded by Mr. Scanlen, moved a substantive motion to the effect that the Speaker had failed in his duty to the House. The House went into Committee on the motion, and the Speaker, exercising his undoubted right, attended the Committee in his capacity of a member and made a most powerful speech in defence of his conduct. It was said by his contemporaries that Sir Christoffel was not a polished orator, and that he was at all times

placed at a disadvantage when he spoke in English, but on this occasion he totally eclipsed the speakers who had arrayed themselves against him. He handled the case as only a lawyer could, deprecated the unmannerly tone of the attacks made against him, and concluded by declaring that if the House adopted the resolution he would resign on the following morning. "I thank the Committee," he said, "for allowing me to say this much in vindication of my character—a character which, whatever may be the result of this discussion, I have maintained unblemished during the ten years that I have faithfully, honestly and fearlessly served the House." The result was that the motion before the House was negatived and a vote of confidence, proposed by Mr. Solomon, was carried.

There can be no doubt that by the efforts of a few members, aided by the Editor of the *Great Eastern* (R. W. Murray), a mountain had been made out of a molehill, and when his first wife died suddenly four years later the House showed both respect and sympathy by adjourning for two days directly it received the sad intelligence.

And there was no doubt as to his fourth, and, alas, his last election to the Chair in 1874. Mr. Fairbridge, who had seconded his election twenty years before, referred in glowing terms to the services he had rendered the House, and Mr. P. J. A. Watermeyer, who had been in the House for sixteen years, bore

testimony to the regard in which they always held that "much respected gentleman."

But Sir Christoffel was not long to preside over their deliberations. He looked well enough when Parliament met, but his hearing had lately been growing bad, and now, nearly seventy-eight years old, his health failed him. On the 15th of June of the same year he wrote that he was prevented by illness from attending the House, and two days later he wrote from Madeira House resigning his office. A vote of thanks for his great services was almost immediately proposed and passed amidst mingled feelings of pride in the Speaker, that had so long upheld the reputation of the House, and regret at the loss sustained.

Parliament also marked its sense of appreciation of his valued services by passing an Act bestowing on him a pension of £1,000 a year, which was equal to the salary he had been drawing. Well wrapped up he was able before the close of the session to attend in his place as a member and express his grateful acknowledgments, but he enjoyed the pension for less than a year.

He grew weaker every day, and while the House was sitting on the 19th of May, 1875, news was received that he had "departed this life at a quarter past four" that afternoon in his rooms at Madeira House. Both Houses of Parliament adjourned for the day of the funeral, when his remains, followed by a procession

over a mile long, were conveyed to the underground family vault (since plundered by godless thieves) in the Dutch Reformed burial grounds in Somerset Road.

Sir Christoffel Brand was the highest Mason in South Africa, and it is reported that he held this position in greater pride than any other he had occupied, but there are many who will remember him not for this position or because he was a great lawyer, or because of his many covert acts of kindness, or even because he was the first Speaker of the Cape House, but because, as Speaker, he laid the foundation of the great reputation for orderliness and decorum which the House always maintained.

**II.**

**The  
Honourable  
Sir David  
Tennant,  
K.C.M.G.  
1874-1896.**







HON. SIR DAVID TENNANT, K.C.M.G.  
Speaker of the House of Assembly, 1874-1896.  
Drawn from photographs.



## II.

# The Honourable Sir David Tennant,

K.C.M.G.

1874-1896.

**I**N the Hofmeyr collection there is a curious old drawing, entitled "De Kaapstad of Tafel Valey." It shows the upper part of Cape Town as it was a hundred years ago: a handful of whitewashed houses, sheltered by clusters of foliage. Under the houses are the names of the owners—many of them well-known Cape families, such as Brand, Hofmeyr, de Kock, Brink, Dempers, Smuts, and van Breda—and on the extreme left of the picture, under the homestead known as "Zonnebloem," the name "Tennant" is easily discernible.

It was here, on the slopes of the Devil's Peak, overlooking the little town and the broad sweep of Table Bay, with its tall East Indiamen, that Alexander Tennant, the "Singing Sannock" of Burns' "Epistle to James Tait of Glenconnor,"\* settled down at the close of the eighteenth century. Generous and warm-hearted, with left eyebrow slightly raised, he was a

\* And, Lord, remember Singing Sannock,

Wi' hale breeks, saxpence and a bannock."

Tennant all over—one of those Tennants of Glenconnor among whose descendants are numbered the late Sir Charles Tennant and his daughter Mrs. Asquith.

Alexander Tennant was on his way to India, but, like a wise man, altered his plans. He remained at the Cape, married, and had eight children. His second son, Hercules, sometime Civil Commissioner and Resident Magistrate at Uitenhage, married Sir Christoffel Brand's sister, and it was their son David who eventually became Speaker.

Although there was some talk of his entering the Church, David Tennant was one of the four out of five Cape Speakers who adopted law as a profession. He was born in Cape Town on the 10th of January, 1829, and, having been articled to Mr. John Reid ("Honest Johnny"), was at the age of twenty admitted to practise as an attorney of the Supreme Court.

As a boy he had been industrious; as a man he now showed himself to be indefatigable. *Deus dabit vela* (God will fill the sails) was the family motto, and by dint of sheer industry David Tennant made his own sails and then trimmed them to catch the breeze. Combining office and residence under one roof in Grave Street, he literally lived with his work, while in addition to his profession he was, among other things, confidential and legal adviser to the Bishop of Cape Town, Registrar of the Diocese as well as Registrar of the Province of South Africa, a member

of the University Council, and chairman of the South African College Council. He carefully edited the valuable "Notary's Manual," compiled by his father, and in 1866 was elected a member of the House of Assembly for the electoral division of Piquetberg, a constituency which he continued to represent until his retirement from Parliament thirty years later.

Before 1875 a Chairman of Committees was appointed each time the House went into Committee, but in the eight years during which Mr. Tennant sat in the House under the Speakership of his uncle, Sir Christoffel Brand, he came to be appointed to that position far oftener than any other member; moreover, when on a holiday in Europe in 1872, he had been able to study the manners and customs of several European Parliaments. Consequently, when Sir Christoffel wrote in 1874 to say that he was prevented by illness from attending the House, Mr. Tennant was appointed Acting Speaker without opposition, and when a few days later Sir Christoffel resigned, David Tennant was unanimously elected to fill his place.

The sails he had so carefully trimmed were now well filled, but still he allowed himself no rest. Immediately severing his connection with his old work, he devoted the whole of his time to the work of the House, even going so far as to keep, in his own neat hand, records that might easily have been delegated to others, and soon became, as Mr. Porter had said

of his predecessor, "as familiar with May and Cushing as with van der Linden and Voet."

Sir Christoffel's long term of office had covered only two years of responsible government, and the practice of the House had still to be adapted to the new conditions, while the growth of business further demanded modifications and additions to the rules. With great zeal Mr. Tennant set about revising the existing rules, and at the beginning of the next year (1875) was able to lay the result of his labours on the Table. In 1881 he drew up rules for the guidance of Select Committees. In 1883 he filled a long felt want by framing rules for the Committee of Ways and Means as well as suggesting further additions to the Standing Rules and Orders. In 1885, when the office of the Parliamentary Draftsman was transferred from the department of the Attorney-General, he drafted rules to be observed by that officer, and three years later laid down others for the guidance of the Sergeant-at-Arms.

So careful was the House not to make any rash innovation, however, that eight years elapsed before the revised rules he had laid on the Table were adopted. One of these rules dealing with the presentation of petitions cut a great slice out of the daily routine of the House. Until that year every petition was read at length, and that much time was wasted before it finally reached a resting place on the Table

is well shown by the following extract from some lines published in the Poet's Corner of the *Argus* in 1857 :

The question was put, " Are there any petitions ? "  
(They come down by post from the country divisions)

" Mr. Speaker," says someone, " I've one to present,  
From such a division to me it was sent ;

'Tis respectfully worded and signed, and the prayer  
For relief of some sort, that the House will take care  
Of him and his interests and that he alway,

As a matter of course, will continually pray " ;

" I move it be read " " Who seconds the motion ? "

Half a dozen here rise without any notion  
Of what it's about ; however, 'tis reckoned

As good as a speech to get up and second ;

So like Jacks out of boxes they jump up in rows,

But for why or for wherefore there's none of them knows :

" Those who are in favour of petition say aye ?

Those who are against it please to say nay ? "

The House gives its gracious consent and permission,

" Ayes " have it." The member brings up the petition.

[Here the Clerk reads the petition at length.]

The member then rises and moves that it be

Received ; then to second again two or three

Rise up while the member sits down.

After the adoption of the revised rules only the most important petitions were read, while by a further addition in 1896 petitions that were out of order were

rejected by the Speaker without ever having an opportunity of disturbing the calm deliberations of the House.

At the time of his election the House still held its meetings in the Goede Hoop Lodge, but steps had been taken to provide more suitable accommodation and one glorious day in May of the following year Mr. Speaker, resplendent in state gown and full-bottomed wig, surmounted by his three-cornered black hat, preceded by the Sergeant-at-Arms, bearing the mace of his office and followed by members, proceeded down Government Avenue to witness Sir Henry Barkly laying the foundation-stone of the much needed buildings that all hoped soon to occupy. But for reasons already given (see pp. 55-58) several years were to elapse and many things of importance were to happen before the House could take up its new quarters. Two events were of peculiar interest to the Speaker.

One was the knighthood with which his labours were rewarded. The honour had been conferred during the recess, and when the House met in 1878 some particularly gratifying remarks were made by the Premier and the leader of the Opposition, who with the Speaker were cheered not loudly, it is said, but with that peculiar sound that indicates the satisfaction of the House.\* The other event which took place a little later in the same session was not so pleasant.

\* On the Queen's birthday, 1892, Sir David and Mr. Abbot, the Canadian Premier, were created Knights Commanders of the Most Distinguished Order of St. Michael and St. George.

The Molteno ministry had been dismissed by Sir Bartle Frere, and Mr. Merriman, in a house so crowded that members of the Legislative Council found their allotted seats confiscated by the gentler sex, moved a motion, the second and third paragraphs of which conveyed a direct censure on the Governor. Mr. Speaker permitted the debate to continue for several days and then ruled that as Ministers under a system of responsible government were responsible for the action of a Governor, the paragraphs in question were out of order and should be discharged. The ruling came like a bolt from the blue and several prominent members declared they felt staggered. One expressed pardonable surprise that the discussion had been allowed to continue for so long, and another thought he had a precedent that would put the Speaker in a quandary. But Sir David, who remained calm throughout the storm, pointed out that there was no analogy between the case quoted and the question before them, and reminded the House that a ruling from the Chair admitted of no argument. If a member disagreed with it he could put a notice on the paper to bring the decision under review. The adjournment of the House was moved, and criticisms came without intermission until Mr. Solomon poured oil on the troubled waters.

Mr. Solomon was so diminutive that he had to stand on a stool in order that his head might be above the level of his desk, but his magnificent brain made

up for his physical shortcomings. He now suggested that the motion should be amended and considered in another form at a later date. One member had given notice, at the Speaker's own instance, that the ruling should be considered by the House, but after Mr. Solomon's intervention the whole discussion fizzled out and with a sigh of relief the Clerk read the next order.

Sir David naturally took a great interest in the building of the new Houses of Parliament, and it was with intense satisfaction that in December, 1884, he was able, with his staff, to move into the red-brick structure that has since become the home of the Union Parliament. While the new buildings were being constructed, Sir David had been appointed one of a committee to keep an eye on their progress, and when the buildings were finished he continued to study the requirements of the House. A "Suggestion Book" was kept for members with grievances, and Sir David, as Chairman of the Internal Arrangements Committee, did all he could for their comfort. Matters ranging from the steward's pantry-window and the supply of nail-brushes to the erection of an imposing Press gallery behind the Speaker's Chair received equal attention, and in 1889 he was able to announce that the acoustic properties of the House would be improved by the addition of a flat ceiling suspended some ten feet below the original domed roof.\*

\* The Debating Chamber is now used as a Dining Room by the Union Parliament, but the improvised ceiling still remains.



Sir David, indeed, by his thoughtfulness for others, came to be regarded with much of the feeling a schoolboy is supposed to have for his headmaster, and it must have given him as much pain as it did Mr. Wolf when he had to admonish that member for publishing in a newspaper a manuscript return laid on the Table of the House. Shortly after the offence had been committed, Mr. Wolf absented himself on urgent private affairs; but the culprit was not forgotten. On his return Mr. Speaker bade him stand up and explain himself. Mr. Wolf said he really had not meant to do anything wrong, that he was an ignoramus and knew nought of the rules, so he was requested to withdraw, and Mr. Upington suggested that an admonition might meet the case. The duty, of course, was the Speaker's, and Mr. Wolf being recalled, Sir David donned his three-cornered hat and warned the member by name that he was skating on very thin ice. A few years later he had occasion to call the attention of the House to a similar disregard of its rules, but this time he spared the rod.

The consideration he afforded members was always apparent. When, for instance, Mr. le Roex in 1891 was the subject of a motion based on an ungrounded suspicion, Mr. Speaker asked him beforehand not to reply to the charge, and on the following day, the mover having expressed his regret that anything in the motion submitted by him and adopted by the House

conveyed an imputation injurious to the character of the gentleman concerned, Mr. Speaker said that he thought a member displayed a proper Christian spirit when, feeling he had wronged a fellow-member, he immediately retracted the statement and asked that his retraction should appear in the Journals of the House. Beyond that, he added, the House could scarcely go, but he suggested that the offensive words be expunged from the Journals. Mr. Rhodes was quick to carry the suggestion into effect, and when others rose to speak Sir David tactfully remarked that further discussion was unnecessary; the matter would drop, and he hoped that the good feeling which had hitherto characterised the conduct of business would be maintained.

That his conduct in the Chair was fully appreciated is one of those happy exceptions to the world's usual ingratitude. He was elected Speaker five times, in 1874, 1879, 1884, 1889 and 1894, and each time had praises showered upon him by the statesmen of the day in an abundance that would have turned the head of a man less experienced in the affairs of the world. Sprigg, Merriman, Sauer, Solomon, Scanlen, Hofmeyr, Rhodes and Fuller—names to conjure with—added their meed of praise, and in 1893, when Sir David had occupied the Chair for twenty years, tributes were paid that gave him more pleasure than had anything before. Mr. Rhodes, who rose amid cheers to move a vote of thanks to the Speaker, praised Sir David's tact,

discretion and courtesy : Mr. Sauer extolled his talents, and Mr. Hofmeyr lauded his impartiality.

Sir David modestly disclaimed the merits attributed to him. They had overlooked his many failings, he said, and had spoken only of that which they believed to be of the best. "But," he added, "I have sought to keep aloof from political parties. I have tried ever to keep the balance steady, and, though mixing freely with parties on both sides, never to commit myself to either (cheers). If an honour is to be conferred upon the Speaker, there can be none greater than that which has just been conferred upon me." And in conclusion he was able to say that it had never been necessary for him to speak a harsh word to a single member—a record which spoke well not only for the orderliness of the House, as a contemporary remarked, but for the Speaker's urbanity. His reply was recorded in the Journals, but his rich voice, which penetrated every nook and cranny of the House, could only be appreciated by those who were fortunate enough to be present.

Sir David was an intrepid guardian of those privileges of the House which he himself had been instrumental in placing on the Statute Book in 1883. Sometimes, it is true, he was inclined to be a trifle pedagogic in drawing members' attention to the rules, but he also had the rare gift of being witty without detracting from the respect due to his high office. The story has often been told of how he corrected the member who, on

the motion that the House do now resolve itself into Committee and that Mr. Speaker leave the Chair, moved an amendment that Mr. Speaker leave the Chair this day six months. "I trust that the honourable member will not insist upon moving his amendment in the form proposed," said Mr. Speaker gravely, "for if it were agreed to the consequences to the Speaker might be extremely inconvenient!"

His uncle, Sir Christoffel Brand, had also a sense of humour, although his grim features rarely betrayed his amusement. When Mr. Painter, in a discussion on the Frontier question, complained that the state of insecurity on the frontier was such that "he and other settlers had often gone to their daily vocations . . . to return in the evening to find their houses burnt over their heads, their wives widows and their children fatherless,"—Sir Christoffel looked almost bored. Sir David's features were more flexible and he was once caught off his guard by a horrible pun concocted by Mr. Maasdorp. A very earnest member had times out of number referred to the wicked acts of a notorious Kafir chief named Oba. It was Oba this and Oba that until members were nearly frantic, and one day, when the sins of Oba had been expatiated on with unusual vehemence, Mr. Maasdorp jumped up. "Mr. Speaker," he expostulated with dramatic gravity and then after a pause for effect, "Mr. Speakah, is this operah *obah*?" The House shouted with laughter. "Order, order," said the

Speaker, but it was with obvious difficulty that he checked a smile that threatened to become a broad grin.

In establishing new precedents for the guidance of the House sound knowledge of procedure in other colonies was as indispensable as a thorough acquaintance with the practice, both ancient and modern, of the House of Commons, and some of the archaic precedents Sir David applied were peculiarly apt. When, for instance, in 1877 and again in 1894 he was disturbed by the unseemly rush for the door which took place at 6 p.m. and 11 p.m., the usual hours of adjournment, he told the House that its behaviour was not what it should be, and quoted for their benefit the rule of Parliament, adopted some four hundred years before, that "The House do alway at its rising depart and come forth in comely and civil sort for the reverence of the House, in turning about with a low courtesie as they make at their coming into the House and not unseemly to thrust and throng out."

On the 26th of February, 1896, on Mr. Rhodes' suggestion, Sir David assumed the position of Agent-General in London, and at the opening of the next session, on the 30th of April, 1896, the Clerk read to the House a touching letter, in which the Speaker resigned his office. "In bidding farewell," ran one paragraph, "I desire to express to members my firm and unalterable attachment to the system of Constitutional and Parliamentary Government; and beg to

assure them that I shall always take a deep and fervent interest in all that concerns the proceedings of Parliament . . . To yourselves and the officers of the House I tender the best thanks for the faithful discharge of the duties you have so zealously rendered the House."

The next day Sir Gordon Sprigg, in a voice that was husky from the effects of the misty day—or was it from emotion?—moved a motion which placed on record the thanks of the House for the skilful manner in which Sir David had invariably applied his comprehensive knowledge to the solution of difficult questions.

Sir David had been Speaker for nearly twenty-two years, a period that, with the exception of Sir Arthur Onslow's remarkable term of thirty-three years, was unsurpassed by any Speaker in the British Empire, and on his resignation an Act was passed settling on him a pension of £1,200 when his term of office as Agent-General should expire. Sir David, who was a Speaker born, was not so successful in his new capacity, but on his retirement in 1901, when at last he furled his weather-beaten sails, he was presented with an appreciative address by his staff, and when he died in London on the 29th of March, 1905, at 39, Hyde Park Gardens, the House once more placed on record its sense of his long and faithful services by immediately adjourning and passing on the following day a resolution of sympathy with the deceased Speaker's family.

III.

The  
Honourable  
Sir Henry  
Juta, Kt.,  
K.C., B.A.,  
LL.B.,  
1896-1898.









HON. SIR HENRY JUTA, Kt., K.C., B.A., LL.B.  
Speaker of the House of Assembly, 1896-1898.

From full-length portrait by P. Tennyson-Cole, in the Union House  
of Parliament.

### III.

## The Honourable Sir Henry Juta,

Kt. K.C., B.A. LL.B.

1896—1898.

**G**REY hairs are generally recognised as a necessary qualification for the Speakership. Sir Christoffel Brand was fifty-eight and Sir David Tennant was forty-six when elected, while Sir John Tiptoft, who was Speaker in the English House of Commons so far back as 1406, protested that he was altogether too young for the position, and, being only about thirty-one, lacked sense.

Sir Henry was only thirty-eight when elected, but he lacked neither the sense nor the caution associated with riper years.

He was born on the 12th of August, 1857, and was the son of Jan Carel Juta, who came from Holland. At the South African College, where he was educated, he did well, passing, at the age of seventeen, eighth on the list in the matriculation in the same year as his predecessor, Sir David Tennant, was elected Speaker. Two years later he took his degree and then proceeded to London, where he took his LL.B. After being admitted as a barrister to the Inner Temple

and called to the Bar, he returned to Cape Town in 1880 and was admitted as an advocate of the Supreme Court. He soon built up a big practice, and in 1893, standing for Parliament, was elected a member of the House of Assembly for Oudtshoorn. In the same year he took silk and was appointed Attorney-General in the second Rhodes Ministry.

He had thus had only three years' Parliamentary experience when the resignation of Sir David Tennant was read to the House on its meeting in 1896. He had, however, acted as Judge of the High Court of Griqualand West, and Sir Gordon Sprigg, who was then Prime Minister, had no hesitation in proposing that he should become Speaker in Sir David's place. Sir Gordon had delved deep into Parliamentary precedents and told the House that both those renowned Speakers, Onslow and Manners Sutton, were even younger than the present candidate for the Chair when they had been elected. There was, moreover, this advantage, that if a young man was put in the Chair he would be able to occupy the position for many years and would thus gain the experience it was so great an advantage to possess. His nominee had a perfect knowledge of the two languages, and it was to be hoped that he would have as long a tenure of the Chair as had young Speaker Onslow. W. P. Schreiner and Juta had been at school together, and it was with great pleasure that the former was

able to tell the House of his schoolfellow's merits. He, too, however, felt that, coming after Sir David (who was sixty-eight when he resigned), to be only thirty-eight was to be a trifle young, but that, he assured the House, was a defect which Time would cure.

Mr. Jutta thanked his proposer and seconder in a few well-balanced sentences, and on being conducted to the Chair, addressed the House once more in accordance with the time-honoured custom. In the drawing-room of Government House His Excellency the Governor, Sir Hercules Robinson, confirmed the election, and Mr. Speaker Jutta, debonair and alert, returned to the House to receive its benediction at the hands of Mr. Merriman and Mr. Theron.

That was on Thursday, the 30th of April, 1896, and on the following day, before the Speaker had had time to get accustomed to his wig or his conspicuous position, he was called upon to give a ruling! The House had attended the opening ceremony in the Legislative Council, and, having returned, was disposing of some preliminary work when up sprang two front-bench members of the Opposition and wanted to know what on earth the House was doing: Mr. Speaker was permitting matters to be dealt with before the Governor's Speech had been communicated to the House. From that moment the Speaker's wig seemed to fit, and the Chair assumed the right pro-

portions. "It is in entire accordance with precedent," remarked the newly-elected Speaker in almost a kindly voice, "it is in entire accordance with precedent for business of an informal nature to be disposed of before Mr. Speaker communicates His Excellency's speech," and once more the machinery of the House was set in motion.

As Speaker he had a "short life, but a gay one." Political feeling ran high, and questions of the day were often discussed with the greatest acrimony; so, although he was not frequently called upon to decide really knotty points, he had always to exercise the greatest tact and vigilance. "That is a deliberate falsehood," or "That is a lie" was often substituted by members in the heat of the moment for the Parliamentary expression "That is not true," and the Speaker had to explain the difference as delicately as he could. It is remarkable that in times such as these the Speaker's ruling was never questioned. but when a daring member did occasionally indulge in a passage at arms with the Chair it was invariably the Speaker that pinked his man.

Add to these circumstances the fact that there was, in some quarters, a certain amount of feeling against his election and it will be seen that it required more than the ordinary qualifications to give satisfaction. The unwritten rule that any member about to raise a question for Mr. Speaker's decision should give

the Chair due notice was often disregarded and points were sprung upon the new occupant without warning. But here again lunge was met by parry and counter lunge. To guard himself against being unprepared he would carefully go through the Order Paper for the day and try to anticipate any points that might be raised. These would be looked up and rulings written with surprising success ; surprising to his antagonists, for, with the quick eye of the duellist, he frequently foresaw their methods of attack and on one day alone was able to make use of three out of four rulings he had prepared. And so, ever watchful, ever alert and at all times courteous, he, by degrees, won over his adversaries and came to be duly notified of any points to be raised.

He was indifferent as to the person against whom his decisions were directed, and in his first year greatly delighted the Opposition by ruling that a notice of motion placed at the head of the Order Paper by the Prime Minister on a Government "Order Day" was out of its place, and could not be taken until the Orders of the Day had been disposed of. Both on this occasion and in 1898, when Sir Gordon tried to turn the tables on Mr. Schreiner on a somewhat similar matter, the Speaker considerably enlightened the House as to its procedure. Members had often entered the Debating Chamber primed to the hilt with knowledge gleaned from the latest edition of "May," only to

find that they were wrong after all. This the Speaker explained was due to the fact that the rule providing that resort should be had to the usage and practice of the Imperial Parliament was last adopted in 1883, and that changes made in the Imperial Parliament after that date did not affect the Cape House. The statement may make dull reading now, as the Union rules accept a later edition of "May" (the eleventh) as the standard of reference, but to those who were interested in the proceedings of the House at that time it was a matter of the first importance.

His first year of office was largely bound up with the Parliamentary enquiry into the Jameson Raid. He was not only entrusted with the nomination of the members of that historical Select Committee, but was called upon to give two important rulings, affecting the privilege of the House, which arose out of the Committee's investigations.

The personnel of the Committee gave the greatest satisfaction. It included several distinguished lawyers, yet when only three meetings had been held they found themselves in difficulties upon doubts being raised as to whether the head of the Telegraph Department could be called upon to produce telegrams which had passed between Rhodes and others. The Powers and Privileges of Parliament Act provided generally that the House could order the production of any documents, but the Telegraph Act stated specifi-



cally that the contents of a telegram could be divulged only before a Court of Justice. The sacred rights of Parliament were at stake. What was to be done? The Speaker was asked to decide the point, and on the 4th of June, 1896, he appeared personally before the Select Committee. After exhaustively treating the whole question of the production of papers before a colonial legislature he ruled that in view of the specific provision of the Telegraph Act it was not competent for the Select Committee to demand the coveted telegrams, and the end of the matter was that Parliament had to show its supreme authority by passing a special Act to invest the Select Committee with the requisite power.

But before long there arose another question. Sir David Tennant in 1883 had drawn the attention of the House to the fact that it could not deal with matters in which members themselves were not the culprits, and at his instance Parliament had passed the Powers and Privileges Act to invest itself with the desired authority over those who were not members. Hence, when on the 24th of June, 1896, a Cape Town newspaper printed a paragraph in reference to the proceedings of the Select Committee on the Jameson Raid, Sir Henry did not let the offence pass unnoticed, but pointed out that this was a breach of privilege now punishable with fine or imprisonment, and hinted darkly at what the House would do if it happened again.

In those good days the House sat for only three months in the year. A recess, however, has never been the holiday it is popularly supposed to be. Questions that have arisen as well as questions that may arise have to be dealt with, and in order that he might not be hampered by decisions that had been given in the past, Mr. Speaker Juta improved the shining hour by looking up, analysing and annotating all the rulings given by Brand and Tennant, and by the time he had completed his self-appointed task, members were once more streaming into the building, and his second year had begun.

The Opposition had become more powerful, and on the 30th of April, 1897, tried a fall with Sprigg's third Ministry. The motion over which members came to grips was simply "that the Government does not possess the confidence of the House." All that day and well into the night the House swayed backwards and forwards in fierce encounter, and at twenty minutes to eleven, when the question had been put and a division had taken place, Mr. Speaker informed the House that the tussle had ended in a tie—thirty-six were for the motion and thirty-six against, so, in order to keep the question open, he gave his casting vote against the motion in accordance with the usual practice. The House then adjourned, and the Speaker, who had kept one eye on the clock for some time, hurried off to catch his train. To him the casting vote

had been a detail, but to Sir Gordon it meant a new lease of life, and often afterwards his Government was twitted with being the "Speaker's Ministry."

In the small list of Diamond Jubilee honours that year the Speaker's name figured as one upon whom Her Majesty had been pleased to confer a knighthood, and the House immediately took the opportunity of congratulating Sir Henry. The agreeable duty fell to Sir James Sivewright, the acting Prime Minister, and Mr. Merriman, in a speech punctuated with cheers, expressed the hearty concurrence of those who sat on his side of the House. The speeches were short and to the point, but had in them that spontaneity which clearly indicated how genuine the feeling was. That Sir Henry was much impressed with the confidence and goodwill he had won in so short a time was manifest from his reply, which left members under the impression that after all their congratulations were perhaps the greater honour of the two.

In comparison with his predecessors, Sir Henry did not give many rulings—he was not long enough in office—but all of them had that unmistakable ring of simplicity which is the sign of clear judgment, and there were several to which reference has frequently been made by his successors. Particular attention was paid to the principle that the House should not in any way be deprived of its power over the purse. When, for example, a customs convention with a tariff annexed

was sought to be approved without due opportunity being given to members to reduce or expunge items in the tariff, Sir Henry refused to allow the rights of the House to be so curtailed. It had, moreover, been a growing practice of the Government to present Estimates of Expenditure containing an item of, say, £10,000, less £9,999 receipts, leaving only £1 to be voted by the House, and Speaker Juta, holding that this was unconstitutional as it deprived the House of its power of reducing the £10,000 in any way it pleased, gave notice to the Premier and the leader of the Opposition that he could not allow the Estimates to be presented in that form. He ceased to be Speaker before he could give practical effect to his views, but the means which he intended to adopt are given in his evidence before the Select Committee on Public Accounts in August, 1906, and a ruling based on his evidence was delivered in the House in 1907.

These were legacies for which private members were duly grateful, but their wives and the wives of members to-day also owe a great deal to his protection. In Sir David Tennant's time a Government House party had occupied nearly all the principal seats at the spectacular, if not highly exciting, opening ceremonies, but Sir Henry held that the wives of men who were administering and legislating for the country were just as much entitled to recognition. After Sir Henry Juta had decided upon the course to adopt, Lord de Villiers,

then President of the Legislative Council, was struck with the idea and arranged for an interview with the Speaker and the Clerk of the House. That there should be a change in the plan hitherto adopted was soon agreed to. Permanent arrangements were made for future ceremonies and the wives of members and prominent officials lived happily ever after.

His third session, which terminated abruptly after a few weeks, was his last. The Opposition again challenged the Government by once more moving in those simple but potent words : " That the Government does not possess the confidence of the House." This time the Speaker's casting vote was not required. The motion was carried by forty-one votes to thirty-six, and Sir Gordon Sprigg announced that, after he had been granted enough money to carry on with, the Governor would dissolve the House.

But Sir Gordon did not forget the services of the Speaker, and before the dissolution he rose to record in eulogistic terms how deeply sensible the House was of the " able, fearless and impartial " manner in which Sir Henry had performed his duties. Mr. Merriman, Mr. Schreiner, and Mr. Theron, following Sir Gordon, showed how united the feeling was, and Sir Henry " suitably replied." " I know," he said, " that during the last few years feeling has run very high, and I think there can be no greater honour which I can send down to my posterity than that in spite of all the high

feeling I still retain your confidence and esteem." He went on to remind the House that at the general elections about to take place he would have to fight for his seat like the rest of them and might make remarks that ought not to be made. Should this happen he asked the House "to bear with him and regard it with all softness, remembering the difficulties of the position, and not in any way set down aught in malice but something extenuate, believing that as far as he could he would always do the impartial duty of the Speaker."

Sir Henry, however, was not re-elected, and when Parliament reassembled on the 7th of October, 1898, a new Speaker had to be chosen. How Sir Henry once more built up his extensive practice at the Bar; how he once more entered Parliament; and how, in 1914, he was appointed Judge-President of the Cape Provincial Division of the Supreme Court of South Africa and Additional Judge of Appeal in the Appellate Division, are matters which fall outside the scope of this sketch. Suffice it to say that he has never lost the popularity he won and held as the third Speaker of a critical House.

IV.

The  
Honourable  
Sir Wm.  
Bisset Berry,  
Kt., M.A.,  
M.D., LL.D.,  
1898-1908.









HON. SIR WM. BISSET BERRY, Kt., M.A. M.D. LL.D.  
Speaker of the House of Assembly, 1898-1908.

from a photograph by Duffus, Cape Town

#### IV.

### The Hon. Sir Wm. Bisset Berry,

Kt., M.A., M.D., LL.D.

1898--1908.

SIR BISSET BERRY looked and acted the part of Speaker to perfection. No one could have appeared more at ease in that imposing little procession which daily wound its way from the Speaker's Chambers, through lobby and corridor, to the Speaker's Chair in the House of Assembly. First came the Sergeant-at-Arms in court dress, bearing the glittering mace which had known every procession and state ceremony since the days when Brand was Speaker in the Goede Hoop Lodge. Then came the Speaker himself in grey wig and sombre gown, inclining his head in stately fashion to members and officials on this side and that. Bringing up the rear of the procession, also bewigged and begowned, were the Clerk and Clerk-Assistant, although the Clerk and the Speaker were often to be seen walking side by side, earnestly discussing some point of procedure. On one person at least who witnessed this scene every day during the session an impression has been made that time will not efface. Even the smile that accompanied the Speaker's bow

seemed to have about it just that old-world dignity which distinguishes his high office from the commonplace.

Sir Bisset had not the advantage of being a lawyer, but he had the highly trained mind of the scientist perfected by lifelong study of men and books. So far as books went every branch of literature was his special delight, and his early proclivities had soon shown that science was his forte. He was born in Aberdeen on the 26th of July, 1839, and after attending the Grammar School in that city proceeded to the Marischal College. Having won several bursaries open to the sons of the Guildry of the city he entered the Aberdeen University, and graduated M.A. at the age of twenty and M.D. two years later.

At about this time the Mail Company decided to carry surgeons on their liners, and Dr. Berry was among the first to be taken. His appointment was on the *Athens*, which now lies a wreck on the Green Point rocks, a victim of the great gale of 'sixty-five. A year before the disaster, however, he decided to settle in South Africa, married and obtaining an appointment as District Surgeon in Queenstown, practised in that neighbourhood with increasing success.

There being no railway to Queenstown in those days, there were no visiting theatre companies, and the inhabitants made up for the lack of amusement by holding what they called public meetings. A hand-bell

was loudly rung and almost the whole town would attend what usually turned out to be a very rowdy entertainment. Shortly after his arrival Dr. Berry was asked to take the chair at one of these meetings and the result probably had a great deal to do with his subsequent career. He had been president of his college debating society, and, thanks to his past experience, succeeded in turning what threatened to be an unusually uproarious evening into one of comparative tranquillity. The new comer, who, in one evening, had been able to raise the level of a form of recreation which had existed for years, was regarded with a curiosity that soon developed into appreciation when it was found how great an interest he took in the local government of the town.

By familiarising himself with South African problems he came to be a recognised authority on education and native affairs, but it was only after he had been in the Colony for thirty years, and had been elected Mayor of Queenstown, that he entered Parliamentary life by being elected a member for the Queenstown constituency in the general election of 1894.

Being elected Speaker in 1898 he had only four years' experience as a private member, but, notwithstanding an innate aversion to publicity, he had in less than that time made his mark in the House. His services were first sought on the subjects he had specialised in, and afterwards in an ever widening circle. His speeches

were eloquent, able and learned, and, having an incisive delivery, he was always listened to with the greatest attention. In the committee rooms, too, he had gained distinction as Chairman of the Select Committees on the Glen Grey Allotments, the Cape Town Municipal Amendment Bill, and Agricultural Schools; but four years is after all a short time in which to acquaint oneself thoroughly with the intricacies of Parliamentary procedure, and until less than twenty-four hours of his election he had no notion that he would be called upon to adjudicate from the Chair upon questions concerning the law and usage of a legislative assembly.

After the general election of 1898 it was arranged between the Prime Minister (Sir Gordon Sprigg) and the Opposition that the Government, which had been returned in almost the same strength as the Opposition, should nominate a member for the Speakership from its own ranks. A caucus of the party was held the day before the House met, and it is now an open secret that when the Speakership was discussed only two names were put forward. Dr. Berry arrived late, and learnt with surprise that the choice lay between himself and Mr. Hockly. It was left to the Cabinet to decide between the two, and the same afternoon Dr. Berry was sent for by the Prime Minister and asked whether he would accept nomination on the morrow. By those who knew the lucrative practice he had established on the eastern frontier, it was realised that acceptance would mean

a considerable financial sacrifice, but he yielded to persuasion and decided to withdraw from practice if elected.

And so when the House met on the following day (7th of October, 1898), and members rushed to secure seats for the session, Dr. Berry was not among their number. Silent and expectant he sat the solitary occupant of the Government cross-benches, until his proposer, Sir Gordon Sprigg, and his seconder, Mr. Rose Innes, conducted him to the Chair. Having made up his mind he did not resist with physical force, as had been the habit of bygone Speakers-elect in the English House of Commons, but his reply was remarkably like the "disabling speeches" which used to be the fashion in those days. He lamented his short Parliamentary experience, and deplored the fact that, being unaware of what the future had in store for him, he had never consciously endeavoured to acquire the gifts and graces considered to be indispensable to a Speaker. It is impossible to reproduce his eloquent periods here. It is enough to say that, like the Speakers of yore, by endeavouring to "deject and abase himself and his deserts he had discovered and made known his worthiness and sufficiency to discharge the place he was called to."

A few days after his election a motion of "no confidence" in the Government was passed by a narrow majority, and supporters of the defeated party grew bitter in their anxiety to have Dr. Berry back among

their ranks to strengthen their vote, but, whatever his personal inclination may have been, it was quite clear that it was as impossible for immortals to return to live with mortals—as one of the newspapers put it—as it was undesirable for a Speaker to play battledore and shuttlecock with his exalted office.

In the Chair Dr. Berry showed the same characteristics as he had in private life. In private he never monopolised the conversation, and would only expound when asked to do so. Although able to split hairs with any schoolman, he would always lend an attentive ear to the other view and keep an open mind until the last. And so in the Chair, while still new to the position, he would listen closely to arguments on points of order, taking all in good part, and just when his would-be coaches were beginning to think they had got it all their own way, with an upward movement of his head he would often deliver a ruling quite independent of anything that had been advanced.

From the day of his election Mr. Speaker Berry lived the life of an official recluse. In his Chambers from an early hour in the morning he was ready at any moment to place his services at the disposal of members who found themselves in difficulties. Here, too, before the House met, he would, like his predecessor, consider questions which were likely to arise in the course of the afternoon's proceedings, conferring with the Clerk on intricate points and sending for Ministers when



necessary. Only once a year he would mix with members on their own level, and that was when he entertained them at the customary Speaker's dinner in the vestibule, afterwards known as the Queen's Hall, where, soothed by carefully selected music, they forgot the forum and pledged their political foes.

At the close of the first year of his Speakership Dr. Berry was called upon to perform a duty which is worth recording, if only because it was connected with the divinity that doth hedge—a Parliament: the powers and privileges of the highest court.

It had come to the notice of the House that certain wine merchants in Cape Town had attempted to bribe a member. The case was fully established by a Select Committee, and on being once more brought before the House it was resolved that the Speaker should reprimand the delinquents at the bar. Sir David Tennant had once admonished a member, and so, less formally, had Sir Christoffel Brand, but this was the first time that the House had occasion to enforce its authority outside its own walls.

Denison clearly distinguished a reprimand from an admonition. In his Diary he wrote that "in order to be *reprimanded* a person at the bar must be in *custody* of the Serjeant-at-Arms. When *not in custody* he can only be *admonished*. When a person is at the bar, and the Serjeant by his side with the mace, then no member may speak, only the Speaker."

This being a reprimand the Sergeant announced when prayers had been read that the culprits were present. A summons had been served on them and they now waited without. "Let them be admitted," said the Speaker, and the Sergeant, shouldering the mace, stalked out. All eyes were fixed on the bar. The consuls, who had mustered in full force, nearly tumbled out of the gallery in their anxiety to see everything, and even the Archbishop, who was wedged in among the private secretaries, showed unmistakable signs of curiosity.

It is remarkable what an unnerving effect the bar of the House has. Even the sturdy Samuel Pepys tells us in his diary that he had to fortify himself with a half-pint of mulled sack and a dram of brandy before he could face the ordeal, and the prisoners now at the bar showed no sign of their previous light-heartedness. They—there were two of them—appeared alongside the Sergeant with bowed heads. A member attempted to speak, but was promptly suppressed. Then Mr. Speaker, donning his low-crowned beaver hat, delivered a lecture in well-chosen words on the enormity of their offence, charitably assuming, however, that "neither did with forethought and deliberation enter upon any device corruptly to influence a member in his Parliamentary duties." An attempt by the culprits to get in the last word was instantly checked, and the incident was closed by Mr. Speaker calling for petitions.

Sir Bisset's term of office was crowded with dramatic incidents. He had to hold the balance between parties narrowly divided in numerical strength, to restrain impetuosity, and at all times to preserve the dignity of the House under trying circumstances; but from a Speaker's point of view his intervention in the Additional Representation debate of 1904 was by far the most important.

One memorable day towards the end of March, 1904, Dr. Jameson, the Prime Minister at that time, hinted that it was the intention of the Government to pass the second reading of the Additional Representation Bill before the House rose, and it was soon plain that there was going to be trouble. One member of the Opposition frankly declared that if the Government insisted on carrying the Bill by "a kind of martial law" they on the other side would have to see what they could make of the rules to hold up the House, while, later in the evening, pointing a warning finger to the windows facing the east, he foretold that honourable members would still be sitting when the sunlight streamed through. And so it happened, although many members were not there to see it. Huddled together in rooms adjoining the Debating Chamber, in the Library, its galleries, and on every couch which offered rest, they lay in uneasy slumber. Twice they leapt to their feet at the harsh sound of the division bells, only to find that the divisions were on motions for the adjourn-

ment, and, muttering strange things, crept glumly back to their uninviting beds.

When at last the rays of dawn did steal through the windows, mingling oddly with the yellow glare of the electric light, the House presented a weird spectacle. Unshaven and unkempt Ministerialists who were not snoring glared sullenly at the unrelenting features of members opposite, and when the prophet of the previous evening once more pointed to the windows and foretold that the House would yet see the moon rise, their despondency sank to the lowest depths. Meanwhile, the Speaker, who had given some score of rulings on minor points of order, had determined to take a step unprecedented in the Cape Colony. Speaker Brand, in the English House of Commons in 1881, had closed a debate under much the same circumstances, and Sir Bisset at 2.30 p.m., after the House had sat continuously for over twenty-four hours, "on his own responsibility and to save the House from itself," decided to follow his example.

It is said that when Mr. Speaker Brand read his decision to the House he trembled violently, and that his hand shook to such an extent that he could hardly read the ruling he had prepared. Sir Bisset, on the contrary, remained calm and self-possessed. In his usual clear voice he intimated that he clearly saw the duty that lay before him. It was a duty, he said, that he owed to Parliaments. "I can only hope that the House will

absolve me from any endeavour to curtail its privileges or to do anything that is not demanded of me. I proceed to put the question that this Bill be now read a second time." The scene that followed can be better imagined than described if one takes into account the overwrought nerves of members, who had spoken for hours on end. But the Speaker was adamant. The Bill was read a second time and the House adjourned. Some day more will be known about this affair, but for the present one can only ask what would have happened if the Speaker had not intervened? Goodness only knows. Had it not been that members were elected for only five years perhaps the House would still be sitting!

In contrast to this unpleasant situation there were several agreeable occasions when the House paused in its struggles to show its appreciation of the man who saw there was fair play. In 1900, for instance, it took great pleasure in congratulating Sir Bisset on his knighthood, and in 1904, on his re-election to the Chair. Dr. Jameson and Mr. Theron unreservedly praised his actions in the past and the trouble he had taken to acquaint himself more thoroughly with the taal; while at the end of the last session he presided over the House. In 1907, the leaders of both parties united in expressing their thanks for the services he had rendered Parliament. Sir Bisset's replies, as might be expected, were extraordinarily neat. Indeed, it seems impossible that they

could have been anything else, for he possessed in a high degree the qualifications which make the Speaker "the first commoner in the land."

Harry Graham, in an interesting book, *The Mother of Parliaments*, urges that an ideal Speaker should combine intellectual ability with those qualities of character which are the mark of what is called a "gentleman." If anyone had these characteristics Sir Bisset had. But he had others besides. He had a habit of thought which never accepted half solutions and a power of generalising that was more than serviceable in interpreting the rules. Precedents that seemed to conflict were analysed, combined and harmonised with scientific precision and presented to the House in language that revealed the mind of the litterateur.

His library in Queenstown being one of the finest private collections of books in South Africa, his mind was kept bright with reading, and his tastes being catholic he was never liable to become one-sided in his views.

He sought re-election in 1908, but to the disappointment of his followers was not returned. At the 1910 and 1915 elections, however, he was more successful, and was elected a member of the Union House of Assembly by his old constituency.

V.

The  
Honourable  
Sir James  
Molteno, Kt.,  
K.C., B.A.,  
LL.B.,  
1908-1910.









HON. SIR JAMES MOLTENO, Kt., K.C., B.A., LL.B

Speaker of the House of Assembly, 1908-1910

From a photograph by E. Peters ("Hood's Studio"), Cape Town.

## V.

# The Honourable Sir James Molteno,

Kt., K.C., B.A., LL.B.

1908—1910.

**D**ESTINY could hardly have arranged a more fitting tableau than that on which the curtain was rung up during the last days of the Old Cape House. When responsible government was granted in 1872, Sir John Molteno, who had played a leading part in the struggle for that form of government, was appointed first Prime Minister, while his great friend, Sir Christoffel Brand, the first Speaker, still occupied the Chair. In the closing scene, some four decades later, Mr. Merriman, who had held office under Sir John Molteno, figured as Prime Minister, while in the Chair, holding the pulse of the expiring House, sat Sir John's fourth son.

The Molteno family is almost as old as the Italian hills it came from. An ancient chronicler, quoted in *The Life and Times of Sir John Charles Molteno*, thus explains the origin of the name: "The noble

signors, after the destruction of Milan by Uraja, who had retired among the surrounding villas, seeing the danger of their situation, turned to Milan, and, that they might be distinguished family from family, preserved, every one of them, as a distinctive name, the name of the district or villa from whence they came. And in this manner many of the Milanese families had their origin from the Brianza : such names are the Pirovano, the Brevio, the Osnago . . . the Molteno . . . all noble families whose names occur in our most ancient charters and historical documents, and all now extant."

James Tennant Molteno was born at Claremont, in the Cape Peninsula, on the 5th of January, 1865. He was educated at the Diocesan College, Rondebosch, and after graduating with "honours" in literature and philosophy, he proceeded to Trinity College, Cambridge, where he again graduated. After going through his legal course, he was called to the Bar, and shortly afterwards, at the age of twenty-six, took his seat in the House as member for Namaqualand. Sir David Tennant was Speaker, and under his tutorage the young member learnt much that was to help him in later years, but, being returned to Parliament without a break until he himself was elected Speaker on the 22nd of April, 1908, he also owed a great deal to his more immediate predecessors in the Chair.

The actual "Chair," by the way, to which Sir James was conducted on his election as Speaker was by





1854 ~ 1867



1868 ~ 1884



1885 ~ 1910

THE SPEAKERS' CHAIRS, 1854 1910

no means the same as that occupied by Sir Christoffel Brand. The well-padded Chair in which Sir James reclined (and in which he afterwards sat for five years as the first Speaker of the Union House of Assembly) did not exist in those days. There were altogether three Chairs occupied by the Cape Speakers. The first—unpretentious but not uncomfortable—was one of those old Dutch armchairs that curio-hunters nowadays seek so eagerly. In the Goede Hoop Lodge it was raised on a small platform with a screen behind it of a green watered silk surmounted by Her Majesty's coat of arms, and a small desk in front of it covered with green baize. It had a cane seat, provided with a horse-hair cushion, and at present, with one leg rather rickety, but otherwise sound, leads a life of seclusion in Mr. Speaker's Library. The next was installed in the Goede Hoop Lodge in 1868. This was much more elaborate; but when the House moved into the new buildings in 1885 it was discarded for the one now in the Union House, and after years of idleness was placed in the Conference Room upstairs.

But to return to the occupant. On being withdrawn from the political fray, Sir James, himself a skilled debater with a ready wit, must have found some difficulty at first in repressing the quips and sallies with which he had for so long amused the House, but in his new role one could hardly perceive the same person, so completely did he sink his former self. As a young

member he had been an adept at starting hares, while in "drawing members"—a game he began a year after he had been returned to Parliament—he had few equals. A favourite ruse of his had been to intervene in a heated discussion and, with a great show of serious concern for the personal honour of the combatants, to make things livelier than ever by setting one member against the other on a new issue.

On his election to the Chair, all this ringcraft was abandoned, or at all events used only to detect the devices of others. In the Chair he was as solemn as the proverbial judge. "Order, order," he once exclaimed when in the course of a debate a member burst out laughing at a joke whispered to him by his next-door neighbour, "the honourable member must endeavour to restrain himself." He could not and would not countenance undue levity, yet rumour has it that when the member he had rebuked passed the Chair on his way out of the House the Speaker leant over and remarked, *sotto voce*, "You might tell me the joke afterwards!" But rumour is a lying jade.

Owing to the rapid march of events towards unification, the storms the House had recently passed through had abated, but it must not be supposed that the last occupant of the Chair during his somewhat brief tenure had merely to supervise a daily routine.

Many of the trials and tribulations which make



the life of a Speaker anything but an easy one were still present, and in comparing the difficulties that beset the path of the Cape Speakers it should not be forgotten that the House at this time consisted of a hundred and seven members, while when Sir Christoffel Brand was elected there were only forty-six. This number had been increased to sixty-six when Sir David Tennant was elected, to seventy-nine when Sir Henry Juta was elected, and to ninety when Sir Bisset Berry was elected; so that the last Speaker had more than twice as many members to control as the first—a factor that naturally added to the responsibilities of the Chair.

Moreover, the calm that followed the storms of the previous Parliaments was more or less superficial. The House, to change the metaphor, was carrying on its work on the crust of a volcano. Ominous rumblings were sometimes heard, and in 1909, Sir James' second year, there was an eruption which rivalled the scene that took place on the Additional Representation Bill

The circumstances, in fact, were almost identical. A debate on the Light Wine Licences Bill had continued for some days, and was likely to continue indefinitely, so for the first and only time in the annals of the Cape Parliament Mr. Speaker decided to apply the closure rule the House of Commons had adopted in 1882. Apparently none of the members were aware

that such a rule existed. It was read and applied at ten o'clock in the evening of the 15th of November, 1909, and for fully five minutes thereafter the House was a pandemonium. Loud cries of "Order, order!" from the Government supporters were drowned in fierce cheers and counter-cheers. The front bench of the Opposition were on their feet in a twinkling, but could at first find no words to express their feelings. When at last the leader of the Opposition obtained Mr. Speaker's permission to ask whether there was "any remedy," Mr. Speaker must have felt inclined to rule, as Mr. Lowther once did, "that the honourable member must not look at Mr. Speaker like that." But, having never been addicted to half measures, his answer was much more direct. "It is a very simple matter," he replied, "you have no remedy; the Speaker is the ultimate judge of this rule. I now put the question that the Speaker leave the Chair." The "Ayes" had it, and the Speaker vanished through the swing door behind the dais.

This was the last ordinary session of the Cape House, and at its close the Prime Minister, seconded by the leader of the Opposition, moved a vote of thanks, which included the hope that it would not be the last time the Speaker would preside over the deliberations of Parliament in South Africa.

Parliament was summoned to meet once more on the 9th of April, 1910, but its business was as formal

as it was pleasant. It had met to repeal the Civil Servants Retrenchment Act, and after sitting for only an hour and a quarter—a record session—it adjourned never to meet again.

With Sir James ended the procession of Cape Speakers. Could the veil of time be drawn aside, and the years which separated their terms of office fade away as in a magic crystal, what an arresting procession it would be! Sir Christoffel Brand, small only so far as inches count, with hands clasped behind his back, would pass before us with short, firm step; Sir David Tennant, bland and imperturbable, would follow with unaffected dignity; Sir Henry Juta, with head thrown well back, would seem to be welcoming a challenge on a point of order; while Sir Bisset Berry, like some scholar of the Renaissance, would half turn his shoulders to incline his head in courtly recognition, and Sir James Molteno, seeing before him the august men whose reputation he was upholding, would appear bolder and more self-reliant than ever.

A small procession, it is true, but one which, by its very smallness, was a credit to the House which, during its fifty-six years of existence, ever took the Mother of Parliaments for its guide. For at Westminster no principle in late years has been more strictly observed than the continuity of Speakership: the re-election in a new Parliament of the last occupant of the Chair. Sir Christoffel Brand and Sir David

Tennant resigned after long service. Sir Henry Juta and Sir Bisset Berry were, unfortunately, absent when the roll of newly elected members was read by the Clerk, and Sir James Molteno ceased to hold office when the Union Constitution came into force on the 31st of May, 1910.



## **Annexures.**



## ANNEXURE A.

### EXECUTIVE COUNCILLORS WITH SEATS IN PARLIAMENT DURING PERIOD OF REPRESENTATIVE GOVERNMENT, 1854-1872.

Under § 79 of the Constitution Ordinance, 1852, the undermentioned officers were entitled to sit and to speak in both Houses of Parliament. They had no votes and were debarred by §§ 33 and 47 from being elected members of either House.

Office and Name.	From	To	Cause of Change.
<b>COLONIAL SECRETARIES :</b>			
Sir Rawson W. Rawson, K.C.M.G., C.B.	9 May, 1854	21 July, 1864	Promoted Governor of Bahamas.
Sir Richard Southey, K.C.M.G.	22 July, 1864	30 Nov., 1872	Retired on introduction of Responsible Government.
<b>ATTORNEYS-GENERAL :</b>			
W. Porter, C.M.G.	16 Sept., 1839	17 Mar., 1866	Retired at age of sixty on full pension.
W. D. Griffith .. ..	18 Mar., 1866	30 Nov., 1872	Retired on introduction of Responsible Government.
<b>TREASURERS :</b>			
H. Rivers .. .. .	21 June, 1842	6 Dec., 1861	Died.
Sir Richard Southey, K.C.M.G.	6 Dec., 1861	21 July, 1864	Promoted Colonial Secretary.
J. C. Davidson .. ..	28 Nov., 1864	30 Nov., 1872	Retired on introduction of Responsible Government.
<b>AUDITORS :</b>			
W. Hope .. .. .	1 Sept., 1849	3 Oct., 1858	Died.
E. M. Cole .. .. .	19 Apr., 1859	19 July, 1875*	Retired at age of sixty-four.

\* After the passing of the "Responsible Government" Act, 1872, the Auditor had no seat in Parliament and was not eligible for election as a member of either House of Parliament.

## ANNEXURE B.

### MINISTRIES DURING PERIOD OF RESPONSIBLE GOVERNMENT, 1872-1910.

Under § 3 of Act No 1 of 1872 ("Responsible Government" Act) Ministers were made eligible for election as members of either House of Parliament. If not so elected they could not, under § 5, sit or speak in either House. If elected they had the right, under § 4, to sit and speak in both Houses but could vote only in the House of which they were members.

#### I. MOLTENO MINISTRY.

(1 DEC., 1872—5 FEB., 1878.)

Office.	Name.	Circumstances and proximate cause of change.
Premier and Colonial Secretary	*J. C. Molteno ..	During recess.
Treasurer of the Colony ..	+H. White ..	Dismissed by Governor owing to policy pursued in regard to use of Imperial troops and control of Colonial forces.
Attorneys-General ..	*J. H. de Villiers ..	No appeal to country.
	*S. Jacobs ..	
Commissioners of Crown Lands and Public Works	*A. Stockenström ..	
	*A. Aberc. Smith ..	
	*J. X. Merriman ..	
Secretary for Native Affairs ..	*C. Brownlee ..	

#### II. SPRIGG MINISTRY (FIRST.)

(6 FEB., 1878—8 MAY, 1881)

Office	Name.	Circumstances and proximate cause of change.
Premier and Colonial Secretary	*J. Gordon Sprigg ..	During session.
Treasurers of the Colony	+J. Miller ..	Native administration including disarmament of Basutos. Attorney-General disagreed with native policy and left ministry with bare majority. Sprigg, unable to meet demands for Kimberley Railway, would not face proposed motion of no confidence by Scanlen and resigned.
	*H. W. Pearson ..	
Attorneys-General ..	*Thos. Upton ..	No appeal to country.
	*J. W. Leonard ..	
Commissioner of Crown Lands and Public Works.	*J. Laing ..	
Secretary for Native Affairs ..	*W. Ayliff ..	
Minister without portfolio ..	*J. Miller ..	

\* Member of the House of Assembly.

+ Member of the Legislative Council.



## CAPE MINISTRIES.

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### III. SCANLEN MINISTRY. (9 May, 1881—12 May, 1884)

Office.	Name.	Circumstances and proximate cause of change.
Premier and Attorney-General	*T. C. Scanlen ..	During session following general election. Ostensibly on account of defeat by thirty-seven votes on motion for repeal of proclamation on phylloxera but defeat was inevitable on pending motion by Scanlen which proposed to cede portions of Transkeian Territories to Imperial Government.
Colonial Secretaries ..	*J. C. Molteno ..	
Treasurers of the Colony	*C. W. Hutton ..	No appeal to country.
Attorneys-General ..	*C. J. Rhodes ..	
Commissioner of Crown Lands and Public Works.	*T. C. Scanlen ..	No appeal to country.
Secretary for Native Affairs ..	*J. W. Leonard ..	
Minister without portfolio ..	*J. X. Merriman ..	
	*J. W. Sauer ..	
	*I. H. Hofmeyr ..	

### IV. UPINGTON MINISTRY. (13 May, 1884—24 Nov., 1886)

Office.	Name.	Circumstances and proximate cause of change.
Premier and Attorney-General	*Thos. Upington ..	During recess. Sprigg, the Treasurer, took Upington's place as Premier and Upington became Attorney-General only. On being formally questioned Sprigg declined to give reasons for change but Upington afterwards stated that it was made on account of his ill-health.
Colonial Secretaries ..	*J. Avliff ..	
Treasurer of the Colony ..	*J. Turhopte ..	No appeal to country.
Commissioner of Crown Lands and Public Works.	*J. Gordon Sprigg ..	
Secretary for Native Affairs ..	*F. Schermbrucker ..	
	*J. A. de Wet ..	

### V. SPRIGG MINISTRY (SECOND). (25 Nov., 1886—16 July, 1890)

Office.	Name.	Circumstances and proximate cause of change.
Premier and Treasurer of the Colony.	*J. Gordon Sprigg ..	During session. Several defeats on motion to raise loan amounting to seven and a half million pounds for railway construction.
Colonial Secretaries ..	*H. W. Pearson ..	
Attorney-General ..	*H. W. Pearson ..	No appeal to country.
Commissioner of Crown Lands and Public Works.	*Thos. Upington ..	
Secretary for Native Affairs ..	*F. Schermbrucker ..	
	*J. A. de Wet ..	

\* Member of the House of Assembly.

\* Member of the Legislative Council.

‡ Premier and Col. Sec. on retirement of J. C. Molteno.

§ Member of Legislative Council until 1888 and then of House of Assembly.

## ANNEXURE B.

## VI. RHODES MINISTRY (FIRST)

(17 JULY, 1890—3 MAY, 1893.)

Office.	Name.	Circumstances and proximate cause of change.
Premier .. .. .	*Cecil J. Rhodes	During recess.
Colonial Secretary .. .. .	*J. W. Sauer	Change of ministers owing to cabinet disagreement on granting of Railway refreshment contract to J. D. Logan.
Treasurer of the Colony .. .. .	*J. X. Merriman	
Attorney-General .. .. .	*J. Rose Innes	No appeal to country.
Commissioners of Crown Lands and Public Works	*Cecil J. Rhodes	
Secretary for Native Affairs .. .. .	*J. Sivewright	
	*P. H. Faure	

## VII. RHODES MINISTRY (SECOND).

(4 MAY, 1893—12 JAN., 1896.)

Office.	Name.	Circumstances and proximate cause of change.
Premier .. .. .	*Cecil J. Rhodes	During recess.
Colonial Secretary .. .. .	*P. H. Faure	Jameson Raid. Rhodes resigned, and his Treasurer, Sprigg formed a ministry.
Treasurer .. .. .	*J. Gordon Sprigg	
Attorneys-General .. .. .	*W. P. Schreiner	No appeal to country
	*H. H. Juta	
	*W. P. Schreiner	
Commissioner of Public Works	*J. Laing	
Secretary for Native Affairs	*J. Frost	
Secretary for Agriculture	*J. Frost	

## VIII. SPRIGG MINISTRY (THIRD).

(13 JAN., 1896—13 OCT., 1898.)

Office.	Name.	Circumstances and proximate cause of change.
Premier and Treasurer .. .. .	*J. Gordon Sprigg	During session following general election
Colonial Secretaries .. .. .	*T. Te Water	Motion of no confidence by Schreiner carried by forty-one votes to thirty-six.
	*T. W. Smartt	
Attorneys-General .. .. .	*T. Uppington	No appeal to country, but in previous session Sprigg had been defeated on a motion of no-confidence and had then appealed to country.
	*T. L. Graham	
Commissioner of Public Works	*J. Sivewright	
Secretary for Agriculture	*P. H. Faure	

\* Member of the House of Assembly.

† Member of the Legislative Council.

## IX. SCHREINER MINISTRY.

(14 OCT., 1898—17 JUNE, 1900.)

Office.	Name	Circumstances and proximate cause of change.
Premier and Colonial Secretary	*W. P. Schreiner	During recess.
Treasurer	*J. X. Merrihan	Cabinet disagreement on compensation for
Attorney-General	*R. Selomon	war losses and punishment of those engaged
Commissioner of Public Works	*J. W. Sauer	in rebellion.
Secretary for Agriculture	*A. J. Herbold	No appeal to country.
Minister without portfolio	*T. Te Water	

## X. SPRIGG MINISTRY (FOURTH).

(18 JUNE, 1900—21 FEB., 1904.)

Office	Name	Circumstances and proximate cause of change
Premier and Treasurer	*J. Gordon Sprigg	During recess following general election.
Colonial Secretaries	*T. L. Graham	Defeat by ten votes on motion by Burton
Attorneys-General	*P. H. Faure	for revision of martial law sentences.
Commissioners of Public Works	*J. Rose Innes	(By not supporting movement for sus-
Secretaries for Agriculture	*T. L. Graham	pension of constitution Sprigg had
Minister without portfolio	*T. W. Smartt	previously been left in minority and
	*A. Douglass	had to rely alternately on Bond and
	*P. H. Faure	Progressive support.)
	*J. Frost	Appeal to country (without obtaining supplies)
	*J. Frost	a few days before expiration of House of
		Assembly by effluxion of time.

## XI. JAMESON MINISTRY.

(22 FEB., 1904—2 FEB., 1908.)

Office.	Name	Circumstances and proximate cause of change
Premier	*L. S. Jameson	During recess following general election.
Colonial Secretaries	*C. P. Crewe	Deadlock in Legislative Council in Com-
Treasurer	*P. H. Faure	mittee of Supply on Estimates.
Attorney-General	*F. H. Walton	Appeal to country.
Commissioner of Public Works	*Victor Sampson	
Secretaries for Agriculture	*T. W. Smartt	
Ministers without portfolio	*A. I. Fuller	
	*C. P. Crewe	
	*L. I. Michel	
	*A. J. Fuller	

\* Member of the House of Assembly.

\* Member of the Legislative Council.

## ANNEXURE B.

## XII. MERRIMAN MINISTRY.

(3 FEB., 1908—30 MAY, 1910.)

Office.	Name	Circumstances and proximate cause of change.
Premier and Treasurer	*J. X. Merriman	
Colonial Secretary	*N. F. de Waal	During recess.
Attorney-General	*H. Burton	The 31st May, 1910, was fixed by Royal
Commissioner of Public Works	*J. W. Sauer	proclamation as date of Union.
Secretary for Agriculture	*F. S. Malan	
Ministers without portfolio	*D. P. de V. Graaff	
	*H. L. Currey	

\* Member of the House of Assembly.

† Member of the Legislative Council

# ANNEXURE C.

## MEMBERS' LENGTH OF SERVICE.

During the 56 years' existence of the Cape House of Assembly (1854-1910) there were altogether 560 members. Their average service in the House was seven years. The following members sat for more than 20 years :

	First Session.	Last Session.	Constituencies	Years in House.
Merriman, Rt. Hon. J. N.	1869	1910	Alival North, Wodehouse, Namaqualand, Victoria West	42*
Sauer, Hon. J. W.	1874	1910	Alival North, George	36
Sorigg, Rt. Hon. Sir J. G.	1869	1910	East London	36
Frost, Hon. Sir J.	1874	1907	Queenstown	34*
Proctor, J. J.	1857	1888	Paarl	32*
Tennant, Hon. Sir D.	1866	1895	Piquetberg	30*
Molteno, Hon. Sir J. C.	1854	1883	Beaufort West & Victoria West	29
Solomon, S.	1854	1883	Cape Town	29
Manuel, C. J.	1859	1888	Cape Division	29
Brabant, Sir E. Y.	1873	1907	East London	28
Hockly, W. H.	1869	1903	Somerset East & Fort Beaufort	27
Laing, Hon. J.	1874	1903	Fort Beaufort	27
Marais, J. S.	1874	1900	Paarl	27*
Warren, Col. W. J.	1884	1910	King William's Town	26
Scanlen, Hon. Sir T. C.	1870	1895	Cradock	26*
Theron, T. P.	1884	1908	Richmond	25*
Keyter, B. J.	1866	1892	Oudtshoorn	24
Ayliff, Hon. W.	1864	1888	Fort Beaufort	23
Louw, M. J.	1859	1886	Cape Town & Cape District	23
Pearson, Hon. H. W.	1870	1898	Port Elizabeth	23
Brand, Hon. Sir C. J.	1854	1875	Stellenbosch	22*
Fuller, Sir T. E.	1879	1900	Cape Town	22
Barry, T. D.	1869	1890	Riversdale	22*
Du Plessis, A. S.	1889	1910	Albert	22*
Vintcent, L. A.	1874	1894	George	21*
Rhodes, Rt. Hon. C. J.	1881	1900	Barkly West	21*
De Wet, Hon. J. A.	1869	1889	Somerset East	21*
Joubert, I.	1880	1900	Albert	21*

\* Unbroken service.

† Fifty years, including service in Union House up to 1918.

‡ The year 1901, in which there was no session, has not been debarred.

## ANNEXURE D.\*

### ADDITIONAL REPRESENTATION ACTS.

In 1910 the House of Assembly consisted of 107 members. The following table shows the increase of members since the establishment of Parliament, giving the Act, the name of the electoral division, and the number of members added:—

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Constitution Ordinance .. .. .</td> <td style="width: 20%; text-align: right;">44</td> </tr> <tr> <td>Act 3 of 1865—</td> <td></td> </tr> <tr> <td>  Aliwal North .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Namaqualand .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Oudtshoorn .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Piquetberg .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Queenstown .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Richmond .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Riversdale .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Victoria West .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Kingwilliamstown .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  East London .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Act 7 of 1872—</td> <td></td> </tr> <tr> <td>  Wodehouse .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Act 39 of 1877—</td> <td></td> </tr> <tr> <td>  Kimberley .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Barkly .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Act 13 of 1882—</td> <td></td> </tr> <tr> <td>  Kimberley .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Act 30 of 1887—</td> <td></td> </tr> <tr> <td>  Tembuland .. .. .</td> <td style="text-align: right;">1</td> </tr> <tr> <td>  Griqualand East .. .. .</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Act 41 of 1895—</td> <td></td> </tr> <tr> <td>  Vryburg .. .. .</td> <td style="text-align: right;">2</td> </tr> <tr> <td>  Mafeking .. .. .</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Act 19 of 1898—</td> <td></td> </tr> <tr> <td>  Cathcart .. .. .</td> <td style="text-align: right;">1</td> </tr> <tr> <td>  Humansdorp .. .. .</td> <td style="text-align: right;">1</td> </tr> <tr> <td style="border-top: 1px solid black;">Carried forward .. .. .</td> <td style="text-align: right; 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\* The actual number was forty-six, but this included two members for the Cape Division. By the operation of Act 19 of 1898 this electoral division ceased to exist, one member being allotted to Wynberg and the other to Woodstock.

\* Reprinted from the "Cape Civil Service List."

## ANNEXURE E.\*

### ACTS

#### EXTENDING, AMENDING OR DEFINING THE CONSTITUTION ORDINANCE. 1852.

- Freedom of Speech and Debate Act . . . . . No. 1 of 1854  
To secure freedom of speech and debates or proceedings in Parliament, and to give summary protection to persons employed in the publication of Parliamentary papers.
- Registration of Voters Act . . . . . No. 16 of 1856.  
To amend the law relative to the registration of voters and to the taking of polls.
- Corrupt Practices Prevention Act . . . . . No. 21 of 1859.  
To prevent bribery, treating, and undue influence at elections of members of Parliament.
- British Kaffraria Incorporation and Parliamentary Representation Amendment Act . . . . . No. 3 of 1865  
To make provision for the incorporation of British Kaffraria with the Colony of the Cape of Good Hope in two electoral divisions, [King William's Town and East London], each of which divisions is to be entitled to send two members to the House of Assembly and for the purposes of representation in the Legislative Council to be comprised in the Eastern Districts; also to establish the following electoral divisions, each to return two members to the House of Assembly, viz., Alival North, Namaqualand, Oudtshoorn, Piquetberg, Queenstown, Richmond, Riversdale and Victoria West.
- Constitution Ordinance Amendment Act [Responsible Government] . . . . . No. 1 of 1872  
To establish the offices of Commissioner of Crown Lands and Public Works and of Secretary for Native Affairs; to render all Ministers eligible for election as members of Parliament, and to fix their salaries.
- Wodehouse Representation Act . . . . . No. 7 of 1872  
To constitute the fiscal division of Wodehouse an electoral division entitled to elect two members of the House of Assembly.

\* Reprinted from the Cape Civil Service List

- Election Law Amendment Act . . . . . No. 14 of 1874.  
To amend the law relating to the registration and qualification of voters, and to the election of members of Parliament.
- Constitution Ordinance Amendment Act . . . . . No. 18 of 1874.  
To repeal Act No. 6 of 1859, and to amend the Constitution Ordinance and Act No. 3 of 1865 by dividing the Colony into seven electoral provinces for the election of members of the Legislative Council, each province to return three members; to render vacant the seat of any members of Parliament accepting offices of profit under Government, except the office of a Minister of the Crown, or becoming insolvent, and to make provision for vacancies occurring in the interval between a general election and the then next meeting of Parliament.
- Griqualand West Annexation Act . . . . . No. 39 of 1877.  
To make provision for the annexation to the Colony of the province of Griqualand West, returning one member to the Legislative Council; and for the purposes of representation in the House of Assembly to be divided into two electoral divisions [Kimberley and Barkly], each division returning two members.
- Payment of Members' Expenses Act . . . . . No. 6 of 1879.  
To increase the number of days for which members are entitled to an allowance, under Section ninety of the Constitution Ordinance, from fifty to ninety.
- Ministers' Salaries Act . . . . . No. 32 of 1879.  
To increase the salaries payable to the five Ministers of the Crown to £1,500 per annum each, and an additional sum of £250 per annum to the Prime Minister. [By Act No. 2 of 1886 the salary of the Attorney-General was reduced to £1,000 p.a., and the salaries of the other Ministers to £1,200; this continued in force from the 1st July, 1886, to the 30th June, 1887, when it was repealed by Act No. 28 of 1887.]
- Constitution Ordinance Amendment Act . . . . . No. 1 of 1882.  
To authorise the use of the Dutch language in debates and discussions in Parliament.
- Kimberley Increased Representation Act . . . . . No. 13 of 1882.  
To amend Act No. 39, 1877, by increasing the members for the electoral division of Kimberley from two to four.
- President of Council Allowance Act . . . . . No. 36 of 1882.  
To remove doubts as to the legality of the payment of an annual allowance to the Chief Justice as President of the Legislative Council.
- Telegraphic Messages Act (§3) . . . . . No. 41 of 1882.  
To authorise a member of Parliament to transmit his resignation by telegraph.
- Interpretation Act . . . . . No. 5 of 1883.  
To interpret and shorten the language of Acts of Parliament.



- Parliamentary Election Act** . . . . . No. 9 of 1883.  
To amend the laws relating to election petitions and to the prevention of corrupt practices at Parliamentary elections.
- Powers and Privileges of Parliament Act** . . . . . No. 13 of 1883.  
To define and declare the powers and privileges of Parliament and to amend the Audit Act of 1875 by substituting a Speaker's audit of the House of Assembly accounts.
- Public Bodies' Private Bill Act** . . . . . No. 35 of 1885.  
To authorise certain public bodies to introduce, promote, or oppose certain private bills, and to legalise expenses so incurred.
- Parliamentary Costs Taxation Act** . . . . . No. 6 of 1887.  
To provide for the taxation of Cost of Private Bills in Parliament.
- Parliamentary Voters' Registration Act** . . . . . No. 14 of 1887.  
To make better provision for the registration of persons entitled to the electoral franchise under the Constitution Ordinance.
- Transkeian Territories Representation Act** . . . . . No. 30 of 1887.  
To create and define the electoral divisions of Tembuland and Griqualand East, each to return one member to the House of Assembly; also to include the Transkeian Territories, for representation in the Legislative Council, in the Eastern Electoral Province.
- Native Registered Voters Relief Act** . . . . . No. 39 of 1887.  
To exempt native registered voters from the operation of certain disqualifying Acts of Parliament.
- Members of Parliament Allowance Act** . . . . . No. 16 of 1888  
To amend the law in regard to the Travelling and Personal Expenses of Members.
- Audit Act Amendment Act (§§12 and 15)** . . . . . No. 32 of 1888  
To place audit of joint Parliamentary Expenses under Section 16 of Act 13 of 1883, also to authorise issue of money on Speaker's requisitions.
- Oaths and Declarations Act (§§4 and 5)** . . . . . No. 18 of 1891.  
To amend the Oath of Allegiance required to be taken under the 61st Section of the Constitution Ordinance.
- Franchise and Ballot Act** . . . . . No. 9 of 1892.  
To amend the Law with regard to the Qualification of Voters for Members of Parliament, and to make provision for taking Votes by Ballot at Parliamentary Elections.
- Minister of Agriculture Act** . . . . . No. 14 of 1893.  
To create the office of a Minister of Agriculture, to abolish the office of Secretary for Native Affairs, and to amend the designation of and provide for the assignment of duties to certain Ministerial officers.

- Cumulative Vote Abolition Act (Cape Town) . . . No. 16 of 1893.  
To abolish the cumulative vote at House of Assembly elections, Cape Town.
- Glen Gray Act . . . . . No. 25 of 1894.  
Part III. To revise voters lists.
- British Bechuanaland Annexation Act . . . . . No. 41 of 1895.  
To annex the territory, and to provide for one member of the Legislative Council, and three members of the House of Assembly, viz.: Vryburg 2, Mafeking 1.
- Legislative Council Dissolution Act . . . . . No. 9 of 1897.  
To empower the Governor to dissolve the existing Legislative Council, without dissolving the House of Assembly, after the 31st December, 1897.
- Parliamentary Representation Act . . . . . No. 19 of 1898.  
To add sixteen members to the House of Assembly.
- Registration of Parliamentary Voters Amendment Act No. 48 of 1899.  
To amend the law relating to the registration of Parliamentary Voters.
- Illegal Practices Prevention Act . . . . . No. 26 of 1902.  
To amend the "Corrupt Practices at Elections Prevention Act, 1859," and the Parliamentary Elections Act, 1883.
- Additional Parliamentary Representation Act. . . . . No. 5 of 1904.  
To add three members to the Legislative Council, and twelve to the House of Assembly.
- Private Bill Documents Deposit Act . . . . . No. 3 of 1906.  
To provide for Depositories for Private Bill Documents required to be deposited in accordance with the Standing Rules and Orders of either House of Parliament.

## ANNEXURE F.

### DURATION OF SESSIONS.

The following table indicates the duration of sessions of Parliament and the number of days on which the House of Assembly and Legislative Council sat in each session:—

Year.	Duration of Session in days.	Number of Sittings.		Year.	Duration of Session in days.	Number of Sittings	
		Assembly.	Council.			Assembly.	Council.
1854	89	64	46	1883	94	64	36
1855	85	55	56	1884	85	54	29
1856	84	57	56	1885	92	64	36
1857	84	59	57	1886	79	51	32
1858	88	62	44	1887	72	49	27
1859	115	78	59	1888	89	63	36
1860	82	57	44	1888*	3	2	2
1861	111	74	65	1889	86	56	31
1862	106	65	44	1890	84	56	28
1863	104	59	45	1891	85	61	37
1864	91	64	53	1892	88	61	38
1865	167	91	80	1893	86	61	39
1866	129	82	70	1894	94	69	45
1867	126	71	56	1895	94	64	43
1868	106	62	51	1896	92	62	49
1869	118	76	49	1897	85	54	38
1870	102	73	43	1898	30	25	17
1871	107	64	53	1898	78	53	35
1872	105	69	44	1899	91	64	39
1873	64	43	31	1900	88	61	31
1874	66	46	29	1902	87	61	37
1875	78	50	35	1903	88	61	39
1875*	17	12	8	1904	86	55	31
1876	55	35	23	1905	86	59	36
1877	76	54	32	1906	89	62	38
1878	85	58	42	1907	91	58	40
1879	84	63	38	1908*	1	4	1
1880	85	59	27	1908	85	57	40
1881	95	59	30	1909	74	53	27
1882	107	71	45	1909	86	56	33
1883*	20	12	8	1910*	1	1	1

### MEMBERS' ALLOWANCES.

**MEMBERS' ALLOWANCES.—(1) 1854: Constitution Ordinance, Section 90**

Members: If residence at a distance more than 100 miles from the place of meeting, 1000 rupees per annum for home for period not exceeding 100 days, plus

Members: No remuneration. (2) 1879: Act 6—

Members: If residence at a distance more than 100 miles from the place of meeting, 1000 rupees per annum for home for period not exceeding 100 days, plus

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## ANNEXURE G.

### PARLIAMENTS AND SESSIONS, 1854-1910.

Under the Constitution Ordinance, 1852, members of the Legislative Council were elected for 10 years (half to retire every 5 years) and members of the House of Assembly for 5 years; but under Act No. 18 of 1874 all members of Legislative Council were elected for 7 years after the general election of both Houses which was to take place on the dissolution of the Fifth Parliament. With the exception of the Fourth Parliament a dissolution of the House of Assembly, with or without the Legislative Council terminated a "Parliament."

PARLIAMENTS.	SESSIONS.						Dissolution.	Reasons for Dissolution.
	Election of Members of House of Assembly gazetted.	1st.	2nd.	3rd.	4th.	5th.		
First . . . . .	1854 June 22	Opened July 1*	1855 Mar. 15	1856 Mar. 13	1857 Apr. 7	1858 Mar. 10	1858 July 1 (Both Houses)	Effluxion of time of Assembly and of half of Council, before next session.
Second . . . . .	1859 Feb. 18	Opened Mar. 17*	1860 Apr. 27	1861 Apr. 26	1862 Apr. 24	1863 Apr. 16	1863 Dec. 10 (Assembly)	Effluxion of time before next session.
Third . . . . .	1864 Apr. 21	Opened Apr. 28*	1865 Apr. 27	1866 Sept. 6	1867 Apr. 13	1868 May 20	1868 Dec. 21 (Both Houses)	Effluxion of time of Assembly and of half of Council before next session.
		Protogued July 8	1864 Apr. 28*	1865 Apr. 27	1866 Sept. 6	1867 Apr. 13	1868 Dec. 21 (Both Houses)	Effluxion of time of Assembly and of half of Council before next session.
		Protogued July 26	1864 Apr. 28*	1865 Apr. 27	1866 Sept. 6	1867 Apr. 13	1868 Dec. 21 (Both Houses)	Effluxion of time of Assembly and of half of Council before next session.

Fourth	1869 June 18	Opened June 24*	Prorogued Oct 18	1869 Oct. 18 (Assembly)	Rejection by Assembly of Govt's financial proposals and necessity of obtaining opinion of country as to best form of government.					
Fifth	1870 Jan. 22	Opened Jan. 24	Prorogued May 5	1870 Jan. 24 May 5	1871 April 27	1872 April 18	1873 April 24	1873 June 26	1873 Aug. 22 (Both Houses)	Rejection by Council of Constitution Ordinance Amendment Bill, coupled with fact that eleven members of Council would retire by effluxion of time before next session.
Sixth	1874 April 10	Opened May 28*	Prorogued July 31	1874 May 28*	1875 April 14	1876 May 11	1877 May 25	1878 May 10	1878 Sept. 12 (Both Houses)	Effluxion of time (Council and Assembly) before next session.
Seventh	1879 May 27	Opened June 21*	Prorogued Sept. 11	1879 June 21*	1880 May 7	1881 Mar. 25	1882 Mar. 17	1883 June 27	1883 Sept. 28 (Both Houses)	Effluxion of time (Assembly) before next session. Council was out of sympathy with Government.

\* 4 P. Hours of Parliament met a day earlier for the swearing in of members and the election of a Speaker.

1874. Second Session on Conference (Confederation) proposals

1883. East India and Affairs.

# ANNEXURE G.—Continued.

PARLIAMENTS.		SESSIONS.						Dissolution.	Reasons for Dissolution.
Election of Members of House of Assembly gazetted.		1st.	2nd.	3rd.	4th.	5th.	6th.		
Seventh	1884 Mar. 28	1884 May 2* July 24	1885 May 15 Aug. 14	1886 April 19 June 26	1887 May 27 Aug. 6	1888 May 25 Aug. 21	1888 Aug. 23 Aug. 25	1888 Sept. 14 (Assembly)	Effluxion of time before next session.
Eighth	1889 Jan. 15	1889 May 20 Aug. 13	1890 May 29 Aug. 20	1891 May 26 Aug. 18	1892 June 3 Aug. 29	1893 June 16 Sept. 9		1893 Dec. 19 (Assembly)	Effluxion of time.
Ninth	1894 Mar. 9	1894 May 18*	1895 May 2	1896 April 30	1897 April 2	1898 May 20		1898 Jan. 4 (Council)	Holding of ap-proaching Council elections during recess. Special Act of Parliament was required to enable Governor to dissolve Council without Assembly.
Tenth	1898 Sept. 16	1898 Oct. 10† Dec. 23	1899 July 14 Oct. 12	1900 July 20 Oct. 15	1902 Aug. 20 Nov. 14	1903 June 5 Aug. 31		June 29 (Assembly)	Appeal to country by Sprigg.
Eleventh	1904 Jan. 15 & Feb. 15	1904 Mar. 4 May 28	1905 Mar. 10 June 6	1906 May 25 Aug. 21	1907 June 21 Sept. 19			1903 Sept. 8 (Both Houses)	Appeal to country by Sprigg a few days before effluxion of time of Assembly.
								1907 Sept. 26 (Both Houses)	Appeal to country by Jameson.

1908  
Mar. 6

1908  
Apr. 22

1908  
June 19

1909  
Mar. 30

1909  
June 1

1910  
Apr. 9

1910  
May 31 (date  
of Union)

Union of four S.A.  
Colonies Parlt.  
was not dissolved  
by Proclamation,  
but was pro-  
rogued until May  
30. "S.A. Act"  
came into force  
next day.

1908  
Apr. 27

1908  
Sept. 11

1909  
Apr. 17

1909  
Dec. 3

1910  
Apr. 11

1908  
June 19

1909  
Mar. 30

1909  
June 1

1910  
Apr. 9

1908  
Apr. 22

1908  
June 19

1909  
Mar. 30

1909  
June 1

1910  
Apr. 9

1908  
Apr. 27

1908  
Sept. 11

1909  
Apr. 17

1909  
Dec. 3

1910  
Apr. 11

1908  
Apr. 22

1908  
June 19

1909  
Mar. 30

1909  
June 1

1910  
Apr. 9

1908  
Apr. 27

1908  
Sept. 11

1909  
Apr. 17

1909  
Dec. 3

1910  
Apr. 11

\* Both Houses of Parliament met a day earlier for the swearing in of members and the election of a Speaker.  
+ Both Houses of Parliament met on October 7 for the swearing in of members and the election of a Speaker.

a 1888 : Special Session on S.A. Customs Union.

b 1902 : No session in 1901 ; Indemnity Act passed in 1902.

c 1908 : Special Session on Finance.

d 1909 : .. S.A. Union.

e 1909 : Both Houses adjourned from 9 June to 22 Sept. First period devoted to S.A. Union

f 1910 : 6 April : 8 April : Special meeting of both Houses to elect 8 Senators for Union Parliament. (Not deemed session of Parliament.)

g 9 April 11 April : Special Session to discontinue Civil Servants Retrenchment Act





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